

Crime—1923

Education and Crime

EDUCATION AND CRIME.

Birmingham

Recent statements by a well known local educator bearing on ignorance as the foster mother of crime offer food for thought to public spirited people who have long noted with distress the tendency toward our loose respect for and observance of law. He declared that in nine cases out of ten crimes in Jefferson county are committed by a class that has scarcely reached the completion of the elementary school courses.

That is probably true. It again emphasizes the necessity of going to the root of the evil in a determination to provide the only effective remedy. We may well ask ourselves what are two very practical aspects of education in the light of its purposes and application: Production and economy. But by production we do not necessarily mean the making of some commodity in larger quantity or higher quality. Production must include higher standards of citizenship through the creation of broader moral responsibility. Nor is economy confined to a direct decrease of expenditures in the fields of labor, distribution, et cetera. Equally as great as that is the indirect saving arising from application of higher and better principles to our systems of life and government.

A wise educator once said, two different theories of education often enter the minds of those who attend school. One of them, the true conception, is to learn how to work effectively in a chosen field of effort. The other, a wholly false and worse than mistaken theory, to escape serious and productive work. Of course the latter is a source of waste to those who bear the burdens of public education, both in direct expenditure of money for schools and in encouraging drones and neglect of opportunities. But to the true theory and purpose of education. It is the largest force in the development of good government and law observance which constitute the foundation of human progress and happiness. No government worthy of the name could be evolved from ignorance, either in the making or enforcement of law.

Students of government as well as of education and its influence on human progress, generally agree that a distressingly large percentage of time grows out of ignorance and illiteracy. Crime and disregard for

law are not only one of the most expensive things in this country directly, but a serious obstacle to our progress and happiness indirectly. Here in Jefferson county lawlessness is obstructing nearly every field of worthy activity, not only in the direct cost for protection of life and property, but in the indirect and even greater cost through a baneful influence on the development of good government.

An educated people are a law-abiding people. The greatest known promoter of crime is illiteracy. Hence not only the value, but the necessity, of lifting our people from the depths and dangers of ignorance in our efforts to establish and maintain law observance as the foundation of progress, prosperity and happiness.—
Birmingham Age-Herald, Friday, March 23, 1923.

Crime—1923

COVINGTON SHERIFF DISCUSSES BILL FOR FEEDING PRISONERS

Living's Denies Big Profits Made by County Peace Officers

J. N. Living's, sheriff of Covington county is in Montgomery looking in on the legislature and is interested with the other sheriffs of the state in having some new legislation regulating the feeding of prisoners. Mr. Living's regrets that Governor Kilby said what he did with reference to a recent meeting of the sheriffs in Montgomery.

He says: "I recently attended a meeting of the sheriffs in Montgomery and I read with disfavor what Governor Kilby had to say about the meeting. It was not the purpose of said meeting to mislead any member of the legislature or to propose anything to the legislature that is not right, just and equitable to all concerned."

"It is a notorious fact that the present law works a hardship on a great majority of the sheriffs so far as it relates to the feeding of prisoners, and if allowed to remain unchanged the feeding of prisoners will be a burden to at least 90 per cent of the sheriffs of the state and will be done at a loss."

"I feel that I voice the sentiment of nearly every sheriff in Alabama, if not all, in saying that if the present rules and regulations are to remain, that it would be lifting burden from the shoulders of the sheriffs for the legislature to take from them entirely the feeding of prisoners and make it a separate department, then at the end of the four year period it could be easily ascertained what sheriffs, if not subject to such tax under the provisions of the general revenue law."

House Joint Resolution 9. Requesting the attorney general to investigate the constitutionality of statutes exempting from taxation the property of certain corporations owning large interests in the state and report his opinion to the senate and house. House 233. To fix the per diem or compensation of members of all recess legislative committees appointed by joint resolution of both houses. House Joint Resolution 61. Relative to the appointment of one additional member of the Code Commission. House Joint Resolution 41. Appointing a joint committee to sit not over 10 working days during the recess to investigate the conservation laws of the state relative to all natural resources except forestry. House 177. To establish the state board of convict supervisors in lieu of the board of control and economy and state warden general and state board of convict inspectors, and to confer authority and power upon and to prescribe the duties of the board of convict supervisors and its mem-

bers, to fix the terms of their office, salaries, compensation and the mode of payment. Senate 7. To fix the traveling and maintenance expenses to be allowed and paid circuit judges when holding court or transacting other official business at any place not within the circuit for which such judge has been elected, to provide the manner of payment of such expenses and to repeal all conflicting laws. House Joint Resolution 57. Relating to the adjournment of the legislature for the recess and until July 10, 1923. Senate 47. To provide for the refunding by county boards of education from the returns from the 3 mill district school tax to persons paying their own money for the erection of public school buildings in anticipation of the 3 mill tax levy for such purpose. House Joint Resolution 52. Providing that a joint committee be appointed to cooperate with the budget commission during the recess and report a well-defined financial plan for the state. House 76. To amend Section 6965 of the Criminal Code of Alabama of 1907; relates to the fixing of the bag limits on game. Senate Joint Resolution 70. Relative to the additional members of the recess agricultural, educational and code committees. Senate Joint Resolution 71. Relative to the state prison inspector reporting to the recess budget committee the condition of the several almshouses of the several counties of the state and recommending such legislation as they deem proper.

STEALS \$8, GETS LIFE
1/12/23
Supreme Court Affirms Lower Tribunal's Decision
For robbing G. Loring of \$8, Tom Lee Gardner, convicted for the offense in the Jefferson county circuit court, must spend the remainder of his natural life in prison. Judgment of the trial court in the case, from which judgment an appeal was taken, was affirmed by the Alabama supreme court in a decision announced Thursday.

**GOV. BRANDON
SIGNS MANY BILLS**
Revaluation, Sheriff's Feeding and Other Acts
Are Now Laws
Governor William W. Brandon, Tuesday, formally approved Senate Bill No. 112, generally known as the "public utility revaluation bill," which provides for the revaluation by the Alabama Public Service Commission, of the properties of public utility corporations in the state, as a basis for rate making. Other measures approved by the chief executive Tuesday, follow:

House 235. Appropriating \$50,000 for the feeding of prisoners in county jails. House 139. To provide for obtaining the opinion of the justices of the supreme court, or a majority thereof, by the governor or either house of the legislature upon important constitutional questions. Senate 72. Providing for the levying by the counties of a license tax upon certain classes of vehicles using the public roads, which vehicles are not subject to such tax under the provisions of the general revenue law.

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**GRAND JURY PRAISES
SHERIFF AND FORCE**
2-17-23

**Comments Work Which
Results in True Bill a
Year After Crime**

High praise was given the sheriff's forces of Montgomery county for the indefatigable way in which they have pursued all clues in the mystery murder of Mrs. Susan B. Mastin, this praise being given by the grand jury of Montgomery county after its brief session yesterday morning when they returned an indictment charging Bennie Cantelou, negro, with the murder of this elderly resident of Davenport, Ala.

Frank Harvey Miller, foreman of the jury, after the indictments had been returned in a few words to the court said that the inquisitorial body highly appreciated the work of former sheriff John L. Scogin, Sheriff Robert C. Phelps and of their deputies, in submitting evidence sufficient to send a man to trial charged with a crime now over a year old.

February 26 has been set as the date for the trial of Cantelou and Heirston L. Foster, attorney of Montgomery, was yesterday afternoon appointed by Judge Leon McCord, of the circuit court, to represent the defendant.

The evidence at this trial will doubtless be all circumstantial, as Mrs. Mastin, the victim of an attack by some person or persons, was the only witness of this attack and died without recovering consciousness, after she had been found by her relatives severely beaten up, the blows evidently having been inflicted with a heavy wooden instrument. The indictment, returned yesterday, charges Cantelou with having caused the death of Mrs. Mastin "by beating her with a stick or club."

Clues so far brought forward by the county authorities as to the identity of the assailant are a watch, belonging to Mrs. Mastin and alleged to have been found in Cantelou's possession, and an overcoat found near the scene of the crime and said to have been a garment worn by the accused negro.

The watch is said to have been found on Cantelou when he was arrested at Evergreen some months ago, charged with burglarizing a store. He claims it is said, to have purchased it from a tramp. J. B. Andrews, former deputy sheriff of Conecuh county, and former Sheriff Kendall of this county were in Montgomery yesterday for the grand jury investigation, as was E. B. Gafford, chief of police at Evergreen.

J. H. Crook, business man of Evergreen, and Andrew and Irene Pitts, negroes of the Conecuh county capital, were also before the grand jury, it is understood, as witnesses concerning the overcoat.

The following other indictments were returned by the grand jury against prisoners already in the custody of the authorities: Walker Smith, burglary and grand larceny; John Simmons, burglary and grand larceny; Willie Snow, burglary and grand larceny; John Roger, burglary and grand larceny; Willie Beans, receiving stolen property; Lee Wells, burglary and grand larceny. Snow, Wells and Willie Beans are indicted in connection with the alleged burglary of the residence of Edward F. Bell, 115 Sayre street. This home was entered the night of February 8, and a considerable amount of property taken.

**ETOWAH NEGRO GETS
NEW TRIAL BY ACTION
OF SUPREME COURT**
*Montgomery Adversely
Talmadge Baker Case Reversed; Charged With Killing Merchant*

Talmadge Baker, convicted in the Etowah circuit court for the killing of Charlie Cox, a Gadsden merchant, has been granted a new trial by the Alabama supreme court. In reversing judgment of the lower court and remanding the case for another trial, the supreme court held that the trial court committed reversible error in permitting the state to impeach the testimony of two witnesses for the defendant regarding an immaterial matter.

During trial of the case, the father and mother of Talmadge Baker, the defendant, testified that the defendant was 18 years of age. The trial court thereafter permitted the state to prove that several years prior to the trial the father had sworn and the mother admitted that Talmadge Baker was then 18 years old, in order that Talmadge Baker could procure a job with a certain corporation.

It was held in an opinion written by Justice B. M. Miller that the action of the lower court in allowing the state to impeach the two witnesses named on an immaterial matter, was reversible error. It was held also that whether Talmadge was 18 years old or 21 years old, had no bearing upon his responsibility for the crime with which he was charged.

The record in the case tended to show that Baker, on Christmas eve, 1921, with a black stocking pulled down over his head, goggles over his eyes and wearing a slicker, entered the store of Charlie Cox, who was sitting in the rear end of the building talking to a policeman. Baker, it is alleged, presented a pistol and gave the command "hands up," whereupon the policeman began firing and in the ensuing pistol duel Cox was shot and killed. Baker was arrested, tried, convicted and sentenced to death.

The supreme court also denied application for rehearing of Dosey Rivers, convicted and sentenced to death in Mobile county for the slaying of Deputy Sheriff Brill, March 23, 1922, was set as the date for Rivers' execution.

Following is a complete list of decisions announced by the supreme court Saturday:

ANDERSON, C. J.—Grady Hughes, pro ami, vs. L. Bullen; appeal from Franklin Circuit Court (Eq.); affirmed.

MILER, J.—Rosario Scarpulla, Admr. vs. Paul Giardinia, et al; appeal from Jefferson Circuit Court; reversed and remanded.

Talmadge Baker vs. State; appeal from Etowah Circuit Court; reversed and remanded.

Margarette B. Graves, et al. vs. C. T. Brittingham, et al; appeal from Shelby Circuit Court (Eq.); reversed, rendered and remanded.

RULINGS ON APPLICATION FOR REHEARING—Dosey Rivers vs. State; appeal from Mobile Circuit Court; overruled; date of execution of death sentence set for March 23, 1923.

Monroe Parker vs. Jefferson County; appeal from Jefferson Circuit Court (Bessemer Div.); overruled.

MANY COUNTIES ARE DOING BETTER FOR INDIGENTS; SOME STAND STILL WHILE OTHERS DOING VERY LITTLE

Montgomery Advertiser
Dr. Glenn Andrews, State Prison Inspector Makes Report on Alabama Almshouses and Suggests Improvements That He Deems Necessary Ones

Commenting upon the conditions found in the various county almshouses of the state, Dr. Glenn Andrews, state prison inspector, in his report for the two year period just ended, has this to say: "In some counties there has been a marked change for the better, several having either overhauled old buildings or constructed new ones, and more adequately met the demands for the ordinary comforts of life, and in providing wholesome food. Some counties have made less progress along this line, and others have done practically nothing, but have continued a policy of shameful neglect toward this unfortunate class."

He states also that the provision made for the indigent is, in many of the counties of the state, "indifferent, crude and productive of evil results, and reflects neither credit upon our generosity or Christian civilization." Dr. Andrews declares that destitution is the greatest evil with which man has to contend, adding that "it begets poverty, ignorance, crime, disease and death." It is the supreme part of wisdom, therefore he states, to combat it in an intelligent and wholesome way. There are at present, according to Dr. Andrews, more than 1,000 inmates in the county almshouses of the state. He declares this number would unquestionably be greatly augmented if, better accommodations were provided, pointing out that it is a matter of common knowledge that these unfortunate conditions in preference to going to the county institutions, "which offers but little, if anything, better than the squalor and privation which already surrounds them."

After stating that in most of the counties a supervisor is employed to look after the inmates of the almshouses, Dr. Andrews says: "It is not so much the fault of the supervisors, as it is the system in vogue, that make conditions, in many of the almshouses of the state unspeakable, and a betterment cannot reasonably be expected until a radical change is inaugurated." He adds: "With limited exceptions there is but little, if any, provision made for religious services at these institutions. Men and women, sick, suffer, die and are interred, without the privilege of ministerial consolation or decency of Christian burial. Only a pauper, and no one cares."

Dr. Andrews declares that only a proportion of the indigent and feeble-minded find their way into the county almshouses. Many of the remainder, he says, roam at large, giving life to disease, poverty, crime, sorrow and distress, adding an incalculable burden to the state in abundance, and to graze

cattle for meat and dairy purposes. "A proper place having been provided, society, for self protection, must force all who are unable to gain self-support and have no one to care for them, to enter the institution and be subject to proper discipline and control," Dr. Andrews says.

Included in a detailed description of each of the county almshouses, appearing in Dr. Andrews' report, is the following regarding the Montgomery county almshouse: "Located ten miles from the county seat. The superintendent is employed on a salary basis, and necessary help is provided by the county for the proper conduct of the institution. The county provides food, clothing, a physician and medicine for the inmates, and furnishings and equipment generally for the institution. There are four six room frame buildings with no conveniences, for the inmates, together with mess halls and kitchen, and a nice frame dwelling for the keeper. A water works system is the only convenience. The farm, of about two hundred and fifty acres, supplies a large quantity of vegetables, meat and provides milk for use at the institution."

In that part of the report dealing with county convicts, Dr. Andrews declares that existing statutes relative to county convicts are inadequate and should be revised so as to bestow more direct authority upon the state regarding their management and control. He states that from time to time the county convicts have been visited and in several counties marked improvement was found in the manner in which they were conducted. He points out, however, that 57 counties have abandoned the working of their convicts, as evidence that the working of county convicts by counties has been a failure. It is his opinion that the state is better able to care for the county convicts, than the counties, and also can offer better advantages for reformation of the prisoner. Dr. Andrews' report also deals with state convict camps and this portion of the report also deals with state convict camps and this portion of the report contains certain recommendations made in 1920, action with regard to which has been set out in detail in the report of the state board of control and economy. His recommendations for eleemosynary institutions made in 1919 and 1920 are also covered in the board's report.

The report on county jails for the two-year period ending September 30, 1922, by Dr. Andrews, was fairly well covered in a statement issued some time ago by former Governor Thomas E. Kilby, a summary of which statement has already been carried by the press of the state. Of especial interest, however, is the statement in the report showing that on September 30, 1918, the number of prisoners confined in county jails in Alabama, was 16,456, and that the sheriff's feed bill for the year ending September 30, 1922, totaled \$150,442.08, and the total number of prisoners confined in county jails on that date was 25,819. The total number of prisoners in each instance, include both federal and juvenile prisoners.

Dr. Andrews recommends the enactment of comprehensive statutes by the legislature for control of these institutions. He urges that county commissioners realize the "great and menacing burden which present conditions place upon the community, and recognize that the management of these institutions must be reduced to a practical and common-sense basis." He recommends that the county operate the institutions, selecting a superintendent according to given qualifications, and place him upon a salary adequate to command both his talents and time, and furnish such necessary assistance as may be demanded.

He suggests that if a number of counties should unite in the building and maintenance of a joint almshouse institution, expense would be reduced.

He declares that beside comfortable homes, each institution should be provided with farm lands of sufficient acreage to produce all necessary vegetables in abundance, and to graze

IMPORTANT LEGISLATIVE TILTS IN SENATE FEATURE WEEK'S WORK; BILL AGAINST SUNDAY AMUSEMENTS KILLED

Montgomery Advertiser
Convict Lease, Lawyers' Bill and Budget Commission Are Among Outstanding Pieces of Legislation; Three Strenuous Days Are Spent

Climaxed by the dramatic debate on Senator Bonner's blue Sunday measure, which was rendered "unconscious" Thursday afternoon and other important legislative tilts, the three working days of the senate for the week just passed will probably be long remembered by members of the upper house as being one of the most strenuous weeks of the 1923 session of the legislature. During the past week 48 bills were introduced and 10 adopted. 1/28/23.

The Bonner measure and its subsequent defeat at the hands of the 18 senators who voted to "indefinitely postpone action" took precedence over all other bills and measures to be deliberated by the senate. This measure, which proposed to close all forms of Sunday amusements where admission is charged was the center of a raging storm in the senate which began at noon Thursday and did not subside until approximately five hours later, when it was shelved by the narrow margin of one vote.

Adoption of the convict lease bill with amendment extending the time three months beyond the date determined by the house of representatives, passage of the lawyers bill and the budget commission measure also provoked interesting fights in the senate during the past week.

The convict lease bill which provided for the continuation of the lease system until January, 1927, was passed last week in the house and when presented to the senate by the finance and taxation committee, with an amendment extending the time until March 31, 1927, immediately provoked open rebellion on the senate floor and the measure was not finally adopted until after a minority group had lost in a vigorous battle.

The amendment was adopted by a vote of 26 to 6, while the bill and amendment also passed, 27 to 7.

Led by Senator Brower, Senators Craft, Hutson and Griffith expressed themselves as violently opposed to the bill, declaring that it places Alabama in the unfavorable light of being the only state in the United States which permitted the lease of its convicts to mine companies.

Objection to the adoption of the budget commission centered on the fact that it increased the salary of the chief examiner of public accounts \$1,200 annually. Several amendments were proposed, which eliminated the clause providing for the salaries for the three commissioners, but each were promptly voted down and the original measure was adopted 20 to 7.

Senators Inzer, Duncan and Jones were leaders of the rebellious faction, while Senator Nolen, of Tallapoosa, was the principal spokesman for the

victors. Senator Waddell's bill, providing for the organization, regulation and government of the state bar association, in reference to admissions and disbarment of lawyers also precipitated a violent debate.

The bone of contention over adoption of the measure was the fact that it created a commission of 21 lawyers who were to control disbarment proceedings against members accused of unethical tactics.

Montgomery Advertiser
**CALHOUN NEGRO IS
HELD FOR SHOOTING
Professor Little and Family
Fired on While Motor-
ing Home**

ANNISTON, ALA., Feb. 25.—Henry Edmonson, a negro, was arrested today, charged with firing into an automobile Saturday and wounding Prof. F. J. Little and his wife and baby, who were occupants of the automobile. The car was fired into while the party was returning from Jacksonville to their home in Wellington late Saturday night. Each member of the party is suffering from shotgun wounds, none of them being seriously injured.

Edmonson is alleged to have told three different stories concerning the shooting, while admitting each time that he was responsible for the deed. Local officers stated that Edmonson admitted to them that he fired the shot, but contended that the weapon was accidentally discharged while he was crossing a wire fence.

Three other negro boys, who were with Edmonson, are reported to have said that the four of them had been fishing and that Edmonson declared he had always wanted to shoot into a car and that was his chance.

A third statement attributed to Edmonson was to the effect that he was shooting at a bat and that the car came within range of the discharge.

Prof. Little drove hurriedly into Alexandria and sought medical aid, several shot being removed from the faces of the teacher and his wife and baby by Dr. Meharg. Sheriff Knighton was notified and hurried to the scene where he was later joined by Deputies Henry Bryant and Horace Green and State Officer L. L. Phillips.

After locating the three negro boys, who were said to have composed the

fishing party, the officers obtained the alleged confession from Edmonson and placed him under arrest. The negro will be charged with assault with intent to murder.

Crime—1923

NUMBER OF PRISONERS IN COUNTY JAILS INCREASES FROM 15,691 IN 1918 TO 24,773 IN 1922, ACCORDING TO ANDREWS' REPORT

Montgomery Advertiser
Cost of Feeding Captives Also Rises, But State Inspector Says Prisoners Show Evidence of Being Better Nourished Than Formerly 1-7-23

Surprising growth in the number of prisoners committed to county jails in Alabama during the past five years, is shown in an extract from the biennial report of Dr. Glenn Andrews, state prison inspector, made public Saturday by Governor Thomas E. Kilby. The report is now in the hands of the printers. These figures show a steady increase each year up to 1922, when a considerable decrease is indicated. The report states that figures compiled from monthly reports show that on September 30, 1918, there were 15,691 prisoners committed to county jails. A year later this number had increased to 18,355, and on the same date in 1920, it had grown to 21,191. On the same date in 1921, the number was 25,208, but this total a year later was 24,773, a decrease as compared with the year preceding of 436.

Comparative figures are also given showing the total number of prisoners confined in jails during the past six years, with an increase in the average period of time of confinement of each prisoner, during the past two years. The excerpt from Dr. Andrews' report which deals with the problem of feeding prisoners in county jails, also shows a material increase in the feeding cost during the past four years as follows: 1919,—\$95,265.40; 1920,—\$97,786.90; 1921,—\$129,732.32; 1922,—\$150,442.08. With regard to these figures, the report says:

"The marked increase in the cost for feeding for the fiscal year 1921 over the year 1920, is due to the fact that there were 4,017 more prisoners committed to jail, and the number of days of confinement were increased by \$0.295, and further the present law governing the feeding of prisoners became operative on January 1, 1921, and under it, the sheriffs draw a per capita allowance of from 5 to 10 cents, for the preparation and serving of food to prisoners, over and above the amount allowed for the purchase of the food."

Dr. Andrews adds in this same connection: "Although there was a decrease in the number of commitments for the fiscal year of 1922 from that of 1921, of 436 prisoners, there were only 127 less prisoners confined in the jails, and there was an increase of 534 days in incarceration, which accounts for the increase in the feeding cost for this period. The total amount paid to the sheriffs for preparation and serving the feed for the nine months from January first to September 30, 1921, was \$15,056.62. However, \$7,024.38 was saved to the state, over and above the allowance for feeding, including the amount for the preparation

and service, by the sheriffs of less than twenty counties, who either compiled, or partially compiled with the law". He states that "even though only partially observed, it has proved of great value to the state in the improvement in the feeding of prisoners in the county jails."

The excerpt from the report includes letters from Dr. C. H. Smith, physician inspector of the state convict department, and W. A. Gibson, manager of the convict department of the Pratt Consolidated Coal Company, both of which refer to the condition of prisoners received in the penitentiary at the present time as compared with former years. Dr. Smith states that formerly they were pale, weak and anemic in appearance, "and their bodies covered with ulcers due to having been confined in vermin ridden, insanitary and poorly ventilated jails and the lack of a sufficient amount of a well balanced food. The above conditions lowered their vitality and rendered them more susceptible to tuberculosis and other constitutional diseases and necessitated them being kept out of the mines and mills until they could regain a normal state of health. I have noted quite a change for the better along these lines for the last few years. You are doing a great work both from a humane as well as an economic standpoint."

In his letter, Mr. Gibson recalls that the Pratt Consolidated Coal Company works county convicts, from 35 counties in the company's Walker county prison, and regarding the class of county convicts received during the past year, says: "Formerly many of the prisoners received were in very bad physical condition, and it was often necessary to assign a man to a very light work until he had been sufficiently built up to enable him to be put at hard labor. The men were often covered with vermin, and had the appearance of being improperly fed and clothed. During the past year this condition has almost entirely disappeared, and a great majority of the prisoners received are in fair physical condition, and have the appearance of being well cared for in every respect. Nearly all of our prisoners are ready for work the day after they are received and classed, and we have few complaints of the condition of the various county jails. I want to commend you in the highest terms for the work you have done in keeping the county jails in a sanitary condition, and the great improvements you have made all along the line."

Dr. Andrews says in this extract from his report that after taking up

the duties of the office he now holds, in the fall of 1918, a study of conditions indicated that the feeding of prisoners, in many of the jails, was far from satisfactory, and open to severe criticism. He thereafter quotes from the reports of his predecessors, Dr. Shirley Bragg, Dr. C. F. Bush and Dr. W. C. Oates, criticizing the methods then in vogue for feeding prisoners in county jails. Dr. Andrews then says: "Undoubtedly, before I assumed control of the department, there must have been improvement in some of the counties. However, in many of them the food supplied was scant, poorly prepared, uninviting and unwholesome, and the prisoners necessarily suffered as a result." He then quotes the text of the act of the special session of the legislature of 1920 with regard to the feeding of prisoners in county jails.

Declaring that a few of the sheriffs complied readily with the provisions of the revised statute, some partially, while others have failed to carry out its plain mandates, Dr. Andrews says the contention has been made that the present sheriffs were elected under the old law and that the new statute was not applicable at this time, since it would reduce the remuneration as provided for at the time the sheriffs took office. He maintains that there is nothing in this claim.

"The former law," he says, "invited abuse, and it was generously accorded. The present statute sets out specifically how the money appropriated by the state shall be expended, and requires an accounting thereof." He states there is nothing novel or new in the latter provision, except as regards the so called sheriff's feed bill, "since the state requires every department to give a rigid accounting of all moneys appropriated to be used by it."

The chief object of the present statute, Dr. Andrews states, is to provide adequate and wholesome food for the prisoners, and the full amount allowed is to be used, if necessary to gain this end, but if a less amount is sufficient, then the balance is to remain in the state treasury. This, he states, is seemingly both reasonable and wise. The argument has been advanced, Dr. Andrews says in his report, that without compensation derived from the allowance for feeding prisoners, the sheriffs of some of the counties are inadequately paid for their services, and that, the office does not justify a man in holding it.

Though he declares it has been impossible to have many of the sheriffs comply with certain provisions of the law, Dr. Andrews says there has unquestionably been a very marked change for the better in the food in most of the jails, both as to quality, quantity and preparation, and a consequent noticeable improvement in the physical condition of the prisoners. The report states further: "The failure to comply with the law by some of the sheriffs caused Your Excellency to order an investigation by the Examiner of Public Accounts of the

sheriffs' feeding accounts of the different counties. Thus far the accounts of twenty sheriffs have been examined, which show an overcharge against the state of \$11,223.82 from April 1, 1921 to the date when the respective examinations were made. This amount will be greatly increased when the investigations are completed. On the other hand, in the few counties where the sheriffs have complied with the law, the prisoners have been satisfactorily fed, and, without exception, the cost has been well within the amount allowed, and at a saving to the state."

WOMEN PLEAD FOR SENATORS TO KILL CONVICT LEASING

Letter Sent by Council to Members of Upper

Montgomery

The Legislative Council of Alabama Women drafted a letter Saturday to the members of the senate of the Alabama legislature, asking them to use their vote and influence to defeat House Bill No. 3, which makes possible the continuation of the convict lease system to 1927. The bill was passed by the House of Representatives Friday.

The letter to the senators is signed by Annie M. Dimmock Jones, (Mrs. Joseph Brevard Jones), president of the council and by Dixie H. Jones, chairman of the steering committee. It reads as follows:

"The Legislative Council of Alabama Women representing thousands of women in the state respectfully urge that the senate defeat house bill No. 5 which would make possible the continuation of the convict lease system to 1927.

"Alabamians thinking the matter settled by the legislative action of 1919 did not make it an issue in the campaign of 1922. The unexpected and precipitate action of the house has given the opponents of the Convict Lease System, no time to perfect a line of action. In support of our petition, however, we beg to call your attention to the following:

"1. National exports on prison labor condemn the Convict Lease System.

"2. Every state except Alabama has abandoned the system.

"3. Alabama after months of consideration and investigation voted to abolish the system in 1923.

"4. Humanitarian reasons demand the discontinuance of the lease system which permits private interests to work the convict with no concern for his physical or moral welfare or the welfare of society but solely to gain a few dollars he can produce.

"5. Financial interests of the state do not demand the continuance of the lease system. While we have used the convict lease system as a means of

producing revenue by the labor of convicts there are men and women in the state who believe that other method of using their labor would produce a larger revenue. The present law would permit the working of convicts under state control on the Piece-price system and would permit the continuance of that system after 1924. We believe that the Piece-Price system would put into the state treasury many hundreds of thousands of dollars yearly that are now going into the treasury of the lessees of convicts. Taking for example the revenue from the prisoners leased as coal miners, we believe that you would find that the state is getting from \$30 to \$65 for its convicts now mining coal under the lease system, that the maintenance guarding, and proportionate overhead is approximately \$25 per month, leaving the state about \$25 average net income from each convict per month. Under the piece-work system, if the state received for this labor the same amount paid to free labor—about \$1.12 per ton and the convict dug as much coal as he now digs which averages about five tons per digger, the gross income would be around \$145,000 per convict per month, the overhead and the maintenance being slightly increased, would leave the state possibly four times as much revenue, all going to the state treasury instead of enriching the treasury of the lessee of the convicts. If it is your wish we will suggest lines of investigation. We feel sure, however, that your own sound judgment may be relied on to investigate thoroughly before allowing a backward step to be taken.

"It is our belief that state-controlled piece-work would not only increase the revenues of the state, but would also provide a thorough supervision of the convict looking to his own personal physical and moral welfare and toward the better interests of society"

EXTENSION OF LEASE SYSTEM IS APPROVED BY HOUSE COMMITTEE

Women Express Disapproval of Plan to Keep Convicts in Mines

VOTE IS NINE TO ONE

Only Female Representative Appeals For Abolition of System

Montgomery Advertiser
The house committee on penitentiary and criminal administrations late Wednesday afternoon adopted a favorable report on the bill to continue the convict lease system until January 1, 1927, by a vote of 9 to 1. Action on

the matter was taken after a session in which representatives of a number of women's organizations of the state, and of organized labor, appeared to protest against the extension of the lease system.

Appeals were made to the committee to take the convicts out of the lease regime from a humanitarian standpoint. The consensus of opinion of the committee, however, was that it is impractical to take this action at this time, or by January 1, 1924, when the lease system will expire under the present law.

Representative Walton of Chambers, chairman of the committee, introduced the bill extending the system into the house Tuesday. In addressing the committee meeting Wednesday he declared that "Just because Governor Kilby built himself a monument at Camp Kilby where the milk cows have private drinking cups" does not mean that the state can afford to take the convicts out of the mines at this time. Mr. Walton advised the delegation of ladies who appeared before the committee to see Governor Brandon for an expression of his views on the subject.

Mrs. Bibb Graves headed the women delegation, which first appeared at the capital shortly before noon, when the committee was in session. At the request of the delegation the hearing was deferred until 4 p. m.

When the committee met Mrs. Graves first introduced Mrs. J. Brevard Jones, chairman of the legislative council of Alabama Women, who stated that thirteen women's organizations of the state are strongly opposed to the lease system. Mrs. Charles R. Bricken, president of the Alabama League of Women Voters, expressed the belief that it is the poorest possible advertisement for Alabama to be the only state in the union to have the lease system.

Mrs. J. G. Wilkins, Alabama's only woman legislator—so far—appeared with the delegation to urge the abolition of the lease system. "We should not be willing to, as the men say, 'pass the buck' to the next legislature," Mrs. Wilkins said, speaking as a member of the legislature of 1923.

Other speakers from the delegation were Mrs. J. H. Crenshaw, Mrs. H. E. Pearce of Birmingham, retiring president of the State Association of Business and Professional Women, Mrs. Robert S. Teague, chairman of the state committee of the Alabama Parent Teachers' association, Mrs. J. B. Chatfield, past president of Alabama Woman's Christian Temperance Union, and Miss Esther Hagedorn, representing the association of business and professional women.

Louis Bowen of Birmingham, a member of the house, and secretary-treasurer of the Alabama Federation of Labor, appeared to oppose the bill, as did W. R. Doak of Birmingham, representing the Brotherhood of Railroad Trainmen, and R. C. Cadden, of the Brotherhood of Railroad Firemen.

John H. T. Rives of Jefferson county, a member of the committee, also spoke against the bill to extend the lease system. The various speakers against the measure declared that the sentiment of Alabama is against the lease system, and expressed confidence that

some means can be devised to replace it. At the same time, nothing concrete was offered the committee as to what to do with the convicts, beyond a suggestion that they might be worked on the county roads.

When the committee went into executive session after the hearings, Representative Parker of Coosa in speaking on the bill declared that he does not favor bringing all the convicts of the state to Camp Kilby at once and placing them in a "fattening pen" there. He stated, with other members of the committee, that the people are against the lease system, but he could not see a way clear to terminate the system as now provided by law.

The vote on the motion to adopt a favorable report carried nine to one. Representative Rives casting the only vote against the motion. Representatives Christian, Moor, Allen, Hornsby, and Norman, members of the committee, were absent. The other members of the committee are: Representatives Walton, Blackwell, Coleman, Cook, Glass, Guy, Hatter, Parker and Tunstall.

BILL ABOLISHING POOL ROOM PASSES Griffith of Cullman Launches Heavy Attack Against "Parlors"

Senator Griffith of Cullman, led the anti-pool room forces of the state senate to a victory Tuesday afternoon. The vote on the final passage of the bill which will abolish pool rooms after October 1, 1924, was 19 to 16. The fight while it lasted was one of the most sensational in the senate this session.

When the bill to abolish pool rooms was reached on the calendar Senator Inzer of Etowah, made a motion that consideration of the measure be postponed. After his motion had been seconded, Senator Griffith, the author of the bill, was recognized by the chair. He at once launched into a sensational condemnation of pool rooms in general. Turning to Senator Inzer he said: "How long do you propose to chloroform this bill? I cannot see how any senator can stand on the floor of this senate and defend pool rooms. It is a well known fact that more crime is hatched in pool rooms than in any other places in the country. They are very cesspools of crime and have no right to existence."

The senator from Cullman continued his remarks in opposition of the Inzer motion to postpone. He said: "If there is a senator here who can point to one good thing ever done or conceived in a pool room I will be willing to withdraw this bill. It is a place where young men congregate. It is an incubator of vagrancy. It is a place for gambling where the young mind is taught this vice. It is the rendezvous of the bootlegger and all of the worst criminal elements. Why even the University of Alabama is crying out against the nearness of pool rooms and their harmful effect on young men."

"This law should have been enacted 25 years ago. The boys and men who frequent these places are the very ones who cannot afford to do so. I cannot conceive of a God-fearing self-respecting man raising his voice against this bill. Circuit solicitors have written me asking that I push the bill to passage. They state without equivocation that the pool room is the source of crime, or one of its most prolific sources. How any man can say 'do away with harmless amusements' and then vote against this bill is beyond me to explain."

Senator Griffith then went on to explain that the bill does not do violence in bona fide clubs where pool is played. At this juncture Senator Inzer withdrew his motion to postpone action. Senator Brower offered an amendment to the effect that the bill shall become law on October 1, 1924. He explained that he felt that this should be done in fairness to real estate owners who had leases expiring on this date. His amendment was accepted by a vote of 21 to 14.

Senator Craft attempted to amend the bill by excluding Mobile county from its operation. His amendment was tabled by a vote of 31 to 3. The vote was then taken on the bill with the result that 19 senators voted for it and 16 against it.

Those senators favoring the bill to abolish pool rooms were: Adams, Bonner, Brower, Caffey, Ellis, Garth, Griffith, Howle, Hudgens, Hutson, Jones of Barbour, Martin, Middleton, McNeil, Overton, Pelham, Slone, Teasley, Waddell.—total 19.

Senators opposed to abolishing the pool rooms were: Brooks, Carlton, Carmichael, Craft, Duncan, Foster, Hildreth, Inzer, Johnson, Jones of Conecuh, Nolen, Oliver, Powell, Randall, Tunstall.—total 16.

The bill was ordered sent to the house without engrossment.

L.A. BOYD IS HEAD OF NEW CONVICT BOARD Judge Herzberg Is President Tax Commission; Other Appointments

2-14-23
Predictions, rumors and reports as to whom Governor William W. Brandon would select to direct two of the most important departments of the state government, were finally set at rest late Tuesday, when the chief executive announced the appointment of the personnel of the state board of convict supervisors and state tax

ABOLITION OF CONVICT LEASE PLAN WILL BE LEFT TO GOVERNOR UNDER BILL TO BE PROPOSED TO ASSEMBLY

Measure Changing Present Law Relative to Working of Prisoners in Mines Will Be Introduced in Both Branches on Opening Day

Allowing the judgment of the governor of Alabama to be supreme as to when convicts shall be removed from the lease system in Alabama will be the purpose of a bill to be introduced in both the house and senate at its first session today. Under the present law, the convicts will be removed from the lease system in January, 1924.

The convict lease system was abolished at a regular session of the Kilby legislature to take effect January 1, 1922. At an extra session of the legislature the act was amended to read January 1, 1924. While not authoritative the general impression is that Governor Thomas E. Kilby will sign the bill to make the abolition of the lease system at the discretion of the incoming governor.

At the present time the convict department of the state government nets around \$1,000,000 per year. The abolition of the lease system would remove this net income next January and close students of economics have estimated that instead of receiving a net of around \$1,000,000 per year, from the convicts, the state might lose \$500,000.

The idea of placing the whole matter in the hands of the governor comes from the fact that the governor of Alabama knows when the state is ready to take care of its convicts who might be taken from those who lease them. The incoming governor might decide to take them from their lessees before port. On the other hand, Governor 1924 might roll around when the governor of Alabama would have no place to put them. The convicts must be well taken care of.

According to Hastings Hart of the Rockefeller Foundation, the convicts of Alabama are now well kept and well fed. All barbaric practices have been obliterated, according to his recent report. On the other hand Governor Brandon may be able, with his financial program, to take the convicts out of the lease system before 1924. In other words it is the idea that the governor should be the sole judge of this matter and the bill will be introduced and pressed for passage before Governor Kilby goes out of office.

commission respectively.
L. A. Boyd, of Enterprise, was appointed chairman, and Senator Roy Nolen, of Alexander City, was appointed associate member of the state board of convict supervisors. Mr. Boyd, who was formerly a member of the Henderson-Boyd Lumber Company, is one of the most successful lumbermen in the state, and has made a reputation as an exceptionally capable business man. Senator Roy Nolen, who will resign his seat in the

upper house of the legislature to accept the appointment as associate member of the board, is widely known as a successful banker, merchant and farmer.

Members of the state tax commission appointed by Governor Brandon, follow: Judge L. L. Herzberg, Gadsden, chairman; F. C. Marquis, Dora; C. Brooks Smith, Montgomery; T. F. Pitts, Union Springs, and Bob T. Roberts, Clayton. Judge Herzberg served for 12 years as probate judge of Etowah county and is known throughout the state as a public official of the highest ability. Mr. Marquis served the state as a member of the tax commission for 4 years, during the administration of former Governor Charles Henderson, and is one of Walker county's most prominent business men. C. Brooks Smith, was formerly state auditor, chief clerk in the treasury department, and commissioner of insurance. T. F. Pitts, served as tax collector of Bullock county for 2 terms, and is one of the most successful business men of that section of the state. Bob T. Roberts, was for 12 years probate judge of Barbour county, and also served that county as tax collector for 6 years.

It is readily seen that each of the appointees named is especially qualified for the duties which he will perform for the state during the next four years. Their appointment by Governor Brandon is expected to meet with the unqualified approval of Alabamians as a whole.

Minor officials in these two departments, it is understood, will be recommended by the directing heads, to Governor Brandon for appointment, within the next few days.

All of the appointees named will assume their new duties just as soon as their predecessors can wind up their affairs at the statehouse and officially turn over to them the transaction of the business of the respective departments.

Crime - 1923

NEW TRIAL IS ASKED FOR BENNIE CANTELOU

Montgomery Advertiser
Numerous Grounds Are Al-
leged in Attorney's
Petition to Judge
3-1-23

Motion for a new trial for Bennie Cantelou, convicted Monday of the murder of Mrs. Susan Mastin and sentenced to hang, was filed yesterday in the circuit court of Montgomery county by Helston L. Foster, lawyer appointed by the court to defend the negro.

Numerous grounds for a new trial were alleged in Mr. Foster's petition. For one thing he claimed that the counsel for the defendant was not present when sentence was passed on Cantelou Monday at midnight. Another point on which a new trial was claimed was the alleged fact that only one of the two circuit judges was present when the names of the men for the special capital case venire were drawn from the jury box. Mr. Foster stated that in his judgment the statutes of Alabama require both judges to be present when this is done.

The court will decide on whether to grant a new trial probably either Friday or Saturday of this week, when sentences will be formally passed on the prisoners convicted Monday, Tuesday and Wednesday. In the event a new trial is not granted by the circuit court, Mr. Foster stated that he would take an appeal to the supreme court of Alabama.

CONTRACT SIGNED FOR 190 CONVICTS

Montgomery Advertiser
Montevallo Mining Com-
pany and Governor Bran-
don Are Agreed
3-10-23

Governor William W. Brandon, Friday afternoon, formally approved the state's new contract with the Montevallo Mining Company, through David Roberts, Jr., for the leasing of state convicts. The period of the new contract is for 18 months, from March 1, 1923. Instead of the former number of 250 convicts leased by the mining company, however, the new contract calls for 190.

The return to the state per convict, under the new contract, will be based upon the price per ton of coal mined paid to free miners, the income to the state being exactly the same per convict as under the former contract.

EDUCATION AND CRIME.

Montgomery Advertiser
Education of the people is the sole protection against crime. Right thinking persons will not commit crime. The ignorant must be taught to learn that they are only harming themselves in addition to the wrong they are doing the community. Confucius said: "The State which visits harsh punishment on those who are ignorant is itself guilty of tyranny."—Judge William E. Fort of Birmingham. 3-14-23

This is too big a subject to be dogmatic more vicious elements that now disturb its about. For ourselves we do not believe equilibrium. that education per se is a panacea for crime. Nevertheless it is the common dictum of modern man that education is not telligence of the race should be materially only a panacea for crime, but for every enhanced within a few generations and the other social distress or deficiency.

To reach the sweeping conclusion formed by Judge Fort, as expressed in his graphic epigram, one must approach it by the aid of numerous qualifying clauses.

We do not understand the distinguished jurist of Birmingham to mean that he holds illiteracy and crime run along in exact ratio to each other. We do not understand him to mean that book learning, or school attendance, is the kind of educational experience to which we must look if we would avoid the pitfalls through which we go tumbling to disgrace.

We think the school room is a deterrent to crime; but alone it is helpless as a rescuer of those who have the will to lawlessness. Its influence is beneficent by virtue of social contacts which modify in one way or another the character of all men. It is beneficent through the enforcement of discipline and the teacher's exhortations to high moral and ethical standards. But the study of arithmetic, geography and history does not influence the moral ideals of the youth with vicious tendencies. Book learning will not save society from its burden of crime—not, at least in one generation.

The educated criminal is not so uncommon as to excite curiosity. Indeed he is not criminal at all. Lawless and immoral people are found in every stratum of society.

But if every child could have intelligent, efficient and intensive training in moral and ethical values, not merely at school, but at home, we should doubtless very greatly improve moral conditions throughout the whole range of social strata.

Intensive moral instruction rather than intellectual training offers the best approach to the problem in so far as the living generation is concerned. The child must be kept away from vicious associations, and he must be made to understand

Alabama.

that there is no transgression of the rules of good conduct which is not freighted with unpleasant or dangerous consequences. And there is no substitute for the parent as a teacher and guide in this field of child-development.

If the child could but exercise an enlightened choice of parents and family lines a few generations might well hope to see a society purged of the grosser and more vicious elements that now disturb its equilibrium.

If every child but be born of wisely selected parents the average natural instinct of modern man that education is not telligence of the race should be materially enhanced within a few generations and the impulses of the vicious greatly refined and modified.

Book learning may conceivably bring about that ideal condition. But until that is done we need not deceive ourselves that the school house alone can keep the jail empty, nor save families from shame.

WHITES GO TO ROCK PILE

(Special to The Advertiser)
BIRMINGHAM, Ala., April 4.—Plans for working white prisoners on the streets or on a rock pile will be taken up at a conference with Commissioner W. E. Dickson in a few days, according to a statement today by Commissioner W. B. Cloe.

In a recent report on the inspection of the city of Dr. Daniel Andrews, state prison inspector, declared that arrangements must be made to house white men given jail sentences elsewhere than in the city jail. He recommended that they be worked.

Commissioner Cloe stated that he had talked the matter over to some extent with Commissioner Dickson and that efforts will be made to work out a plan.

TWO ARRESTS FOLLOW TYSON CONFESSION TO FLOGGING OF DOWLING

Montgomery Advertiser
Birmingham Police Begin
Roundup Sunday of
Alleged Kidnappers
4-2-23
NEW EVIDENCE FOUND

Partial Statement by Another Member of Band Secured, Is Claim

(Associated Press)

BIRMINGHAM, ALA., April 1.—

The round-up of members of the band which kidnapped and flogged Dr. J. D. Dowling, city health officer, last May, was begun in earnest Sunday when city detectives took two men into custody on charges of being dangerous and suspicious characters for their alleged connection with the flogging. The men arrested were Sam Cargo of Tarrant City and J. F. Ford of Mount Pinson.

The arrest of Cargo and Ford followed a statement by C. W. Tyson Saturday in which he is said to have told officers ten men composed the party that abducted Dr. Dowling. Their apprehension brings the number of alleged members of the band whose identities have been made public to six. Three of this number have been indicted and the remaining three, Tyson, Ford and Cargo, are being held at the city jail on suspicion.

It was intimated Sunday night that a partial statement had been made by another member of the band. This statement is said to coincide with that made by Tyson Saturday in which he went into details concerning the flogging of the city and county health officer.

Whether a special grand jury would be called Monday to continue the investigation of the flogging had not been determined by Solicitor James Davis, Sunday night. Mr. Davis said his action was contingent on developments tomorrow. In view of the fact that the regular grand jury will not be organized until April 6, it is thought Mr. Davis will call a special session, before which he will place the cases of the men named in Tyson's statement.

HITE CONVICTS EXCEED NEGROES IN ALABAMA

(Preston News Service)

Montgomery, Ala., April 27.—According to a report from the state board of convict supervision, the last few months, shows that whites are the big violators of the prohibition act and that the number of whites received in the penitentiary exceeds that of Negroes. The principal offense for which the whites have been sentenced is bootlegging; while Negroes for small thefts. It is said that at this time there are 872 white males and 2,011 Negro males in the Kilby prison. These figures show a decrease of 46 Negro males as compared with the number of convicts confined in the institution a year ago. At that time there were 862 whites and 2,057 Negroes. The report further shows: 1922—White males 71; White females, 0; Negro males, 122; Negro females, 7. Total 200. 1923—White males 104; White females, 0; Negro males, 90; Negro females, 6. Total 200.

ALABAMA WOMEN MAY INSPECT PRISONS OF STATE AND MAKE RECOMMENDATIONS

Governor Brandon Asks Mrs. Bricken to Have Committee Named For Work

Upon the request of Governor William W. Brandon, a special committee composed of ladies of the Alabama Legislative Council, may visit the various state prisons and prison camps to inform themselves at first hand regarding the state's convict system. It is the governor's wish that this be done before final recommendations regarding the present system of working convicts are made to the state's law making body by the council, which is composed of representatives of every woman's organization in Alabama. Mrs. Bricken has referred the governor's request to the council for action.

The governor's request for the appointment of such a committee was made during a conference called by him between himself, Mrs. Charles R. Bricken, president of the Alabama League of Women Voters, and members of the state board of convict supervisors. The conference was called following the adoption recently by the League of Women Voters, in Birmingham, of a resolution endorsing the stand of the Alabama Federation of Women's clubs for abolition of the convict lease system in the state.

It is the position of state officials having charge of these affairs. It is stated, that state convicts in Alabama do not work under the lease system, but under the contract system. It is maintained that the work of the convicts is contracted for with the state by coal mining companies, and that at all mines where convicts are worked, the state exercises direct supervision over its wards. This includes housing, clothing, and feeding of convicts, medical attention and expert classification as to their fitness for various tasks.

Mrs. Bricken's position, as representing the League of Women Voters, is that if the system in use is not the lease system, then it should be called the contract system, or some other name than "lease" system. She stated that the women's organizations are pledged to use all their efforts toward progress in Alabama's convict system; that she believes the lease system is a stumbling block in the way of continued progress along these lines and that the present law must be changed, or the convicts taken out of the mines altogether.

At the annual meeting of the League of Women Voters, which will take place in Montgomery, May 22, 23, and 24, Alabama's present convict system will be the principal matter under discussions. Whether or not the special committee from the legislative council, which may at Governor Brandon's request, visit the prisons and prison camps of the state, is to be appointed before or after the League's meeting here, Mrs. Bricken, Monday evening was unable to state definitely.

WOMEN WANT CHANGE IN CONVICT SYSTEM

Resolutions Adopted by Birmingham League Against Methods

BIRMINGHAM, ALA., April 30.—The reorganizing of the convict lease system by the state legislature during the summer session will probably find no more bitter enemies to the bill than Alabama League of Women Voters, according to sentiment expressed by members at their meetings over the state.

The Birmingham league, through resolutions adopted at a recent meeting, decided to take a firm stand not only to oppose the measure, but to call on the state league to assist in a strong fight against it, and also to strive to find a just and equitable way out so the state's financial plan will be unhampered.

The resolutions, adopted by the league, opposing the convict lease system, follow:

"Resolved by the Jefferson County League of Women Voters, that we reiterate our denouncement of the iniquitous convict lease system, cruel, un-intelligent, unjust and unworthy of a civilized state.

"That we deplore the fact that our legislature felt it necessary to extend for four years longer the reign of this system in Alabama.

"That we urge the State League of Women Voters and the Women's Legislative Council to bring effort to bear to secure from the July legislative session the replacement (even at cost of increased taxation) of the state's blood money revenue from the lease of the convicts, and the repeal of the law extending the lease system."

KILBY POPULATION SHOWING DECREASE

Number Consigned Since January 1 Falls Off 123

A total of 110 recently sentenced prisoners were committed to the Alabama penitentiary at Kilby during the month just closed, according to records in the office of Roy L. Nolen, associate member of state board of convict supervisors. This is a decrease of 8 from the number received in April 1922.

Since January 1 there has been a marked decrease in the number of new prisoners sentenced and brought to the penitentiary. The figures for the four months of 1922 as compared with 1923 follow:

Month.	1922	1923
January	79	83
February.....	76	6r
March	145	83
April	118	110
Totals	418	295

In May 1922 the number of new arrivals was 122.

The number of prisoners confined in the penitentiary on May 1, was 3,030, an increase from April 1, of nine prisoners. One year ago there were 3,051 inmates in the state's penal institutions. The largest number of inmates within the past five years was on December 30, of last year when the total penitentiary population was 3,174. Of the 3,030 inmates now confined in the penitentiary, 878 are white males, 9 are white females, 2,012 negro males, and 131 are negro females.

BROWER ASKS CHANGE IN CONVICT SYSTEM

Birmingham Senator Declares He Will Advocate Higher Taxes If Needed

Advertiser Bureau, Birmingham, Ala.
By Hugh Sparrow.

"Rather than allow the convict lease system to remain a blemish on the fair record of Alabama for four more years, I will strongly advocate the increase of the state's tax rate on any other financial measure that will bring an end to this infamous system."

So declared Senator Walter Brower, here Thursday, following publication of a recent newspaper interview with Gov. W. W. Brandon, in which he stated that he was not wedded to the system and would not frown on its abolition if the loss of revenue could be gained from other sources.

Senator Brower declared that when the legislature convenes, July 9, he would resume his seat in the senate, resolved to do everything in his power to have the convict lease measure repealed for all time.

Says State Is Awakening.

"The entire state is surely awakening to the evils of the leasing of unfortunates, even though they be the most repugnant law violators and the blackest of criminals", said Senator Brower. "For years the people have silently awaited reform in the state's convict system. Suggestions have often been made, but on the whole, they have been content to sit idly by, while the state retains a custom and practice long abolished and forgotten by other more progressive states of the union."

"It took a murder probe to awaken the eyes of the people of Florida to this hideous leasing system. For years it had flourished in Florida and during the long period, these outlaws of civilization were subjected to untold maltreatment."

"Alabama must, and I am sure, will do the thing that will advance the name of the state in the eyes of the world. We must! Leading men in every community of Alabama shudder as they realize unless something is done by the legislature this summer, this practice will remain with us for four years to come."

Women are Busy.

"Womens organizations, too, have taken up the banner for the abolition of Alabama's slaves. The press, the pulpit and the majority of the thinking public, unitedly stand for its abolition."

"Why then should we retain such an infamous custom merely for a few parley dollars. This money can and will be forthcoming from other sources and I will most heartily sponsor any legislation this summer looking to such a move."

MRS. WHITE IS HUMILIATED BY POLICE OFFICER

One of the most shocking attacks made upon one of the leading Negro women of the Birmingham district was made upon Mrs. Lula White Wednesday May 2, about 4.30 P. M. near the corner of Fourth Ave., and 18th Street.

Mrs. White has lived in Birmingham for more than twenty-five years, reared and educated her children, sent them to other schools and according to those who are close friends and associates, Mr. and Mrs. White have been most peaceful and progressive citizens all these years.

She was standing near the corner of Fourth Avenue and Eighteenth St., reading a newspaper waiting for an automobile, a jitney which her husband was in charge of, and while there, a police officer walked up and asked her to move on. Mrs. White states that she attempted to explain to the officer that she was waiting for her husband whom she expected in at any minute, she had just left the doctor's office where she had her son treated and the policeman ordered her to go on and catch anyone of the jitneys and get off the street. To this she explained she had no money and that her husband would be in in a few minutes and he would take them home. Mrs. White makes the report that the officer stated: "You niggers must get off these streets, I'm going to clean you niggers up from standing here, catch a jitney and get away." but she stood and continued to read her paper, and when the first order was given Mrs. White says she had no idea that the officer was talking to her, and when she stated to him that she had no money, he said to her, "Shut up, I'll arrest you now" and to this Mrs. White said she told him she cared nothing about being arrested when she was doing nothing to be arrested for and upon this he called the patrol. Just before the patrol came, her husband rolled up in his car, but they took her to jail anyway and insisted on locking her up, and they did lock her up, even when her husband, Mr. White, was at the police station ready and making bond for her.

Mr. and Mrs. White have lived in the city continuously for a number of years and they hold a most creditable reputation, and how such a travesty could be practiced is a serious question and is generally discussed there is an element of white people who are determined to drive the Negroes out of this section even if it takes violence to accomplish this end. Mrs. White stated to a representative of this publication that she told the officer that in all these years, having reared a family in Birmingham, he was the only person that ever had the privilege of expressing themselves with even a suspicion that she should be arrested, and while a settled woman in age, she feels the attack keenly and is much disturbed over the incident as well as the Negro people generally and especially is it true of her immediate friends and those who have associated with her and her good and the worthwhile things of

REINFORCEMENT OF THE CONVICT SYSTEM.

Editorial Advertiser:

The state of Alabama is now deriving a large and needful sum of money from the lease of its convicts and I doubt if there is any other place where the convicts could be used that would return such a pecuniary result as where they are at present. But this income is apparently doomed, because of that ever-present diabolical, scapegrace of society, who sooner or later weakens or causes the decay of most all issues, moral or otherwise. This time in the shape of a whipping boss. This step will contribute a great financial loss to the state's income, but human life and corporal feelings have a larger value than money. Even though it be the life and bodily feelings of the state's unfortunate wards. Evidently, society would be guilty itself of gross inhumanity, to abandon its helpless wards further to the cruel slavery of the dollar.

I believe in punishment and in some stubborn cases, I do not doubt that the strap is necessary. But all men seem to be afflicted with the same failing and that is, clothe them with a little authority and they will abuse it certain. In the language of an old saying: "Give them an inch and they will take an ell."

Such inhuman barbarities declared to exist in certain prison quarters today, are indeed almost unbelievable in this civilized age. Christian humanity sighed a great relief when Nero of old passed out and it seems that with twenty-three hundred years of Christian breeding, that the brute would have been bred out of man, but evidently it is not so.

Therefore, society, in order to perpetuate Christianity and to protect helpless human beings, must apparently find it humanly necessary to abandon one of its important and dependable sources of revenue—that of leasing its convicts, both state and county.

Yours truly,

G. F. WYNN.

Burkville, Ala.

BRUTALITIES IN ALABAMA PRISONS

Men Lashed, Tortured and "Dog-housed," Legislature Smothered Reports.

Montgomery, Ala., June 30.—Buried at the State capital here in the official record of Alabama are reports by legislative committees containing stories of almost unbelievable brutalities practiced upon prisoners in convict camps and mines in recent years.

That these brutalities exist today is affirmed by the testimony of those who are resolved to bring about the abolition of Alabama's system of leasing convict labor to private corporations as soon as the adjourned session of the Legislature convenes here, July 10.

John C. Arnold, a Birmingham lawyer, who was a member of the legislative committee which investigated the convict camps in 1919 and heard sworn testimony to the effect that prisoners

frequently were lashed with heavy straps until blood made their clothing stick to their bodies, asserted only a month ago:

Unchanged Since 1915.

"In spite of what has been said and written as to reforms inaugurated since then in the treatment of prisoners, the condition of the convicts employed in the coal mines is just as it was in 1915. The lash is said to be abolished—note that I say 'said to be.'"

The report of a committee representing the Women's League of Voters and the Junior Chamber of Commerce of Birmingham, which visited the convict mines May 20, bears out Mr. Arnold's assertion and tells of new horrors.

The investigators were Capt. Donald Wood, Irving M. Engel, of Birmingham, vice-chairman of the State-wide campaign committee for the abolishment of the lease system; R. C. Stobert, Mrs. Solon Jacobs, Mrs. Brenton Fiske and Mrs. R. F. Johnston. They visited the Flat Top and the Banner mines, where they interviewed guards, officials and prisoners under lease.

Worked After Loss of Finger.

Making a convict work the day after a one of his fingers had been amputated; suspending others for hours by their handcuffed wrists; their toes barely touching the floor; breaking a stout stick over a convict's head because he begged for a cup of coffee, and locking others in sweatboxes for many hours at a time until they dropped unconscious, are some of the things of which the committee was told.

"I saw one man suspended by his wrists in a coffin-like box," Mr. Engel said, "who was pleading to be let down because his arms were swelling. This was at the Banner mine. It was not known at the mines that we saw what we did, as we were told the convicts receiving punishment had been removed from the boxes when it was said we were to visit the place. We would not have known of the men who were being 'stretched' had we not heard the cry of one of them.

"Doghouses" Described.

"Three others were found in the 'doghouses,' being stretched by pulleys and ropes, their toes barely touching the ground.

"Warden Davis, at Flat Top, told us the idea was adopted from army prisons used during the war. We talked to three men who said they had been taken out of the 'doghouses' before we came.

"I entered one of the coffin-like boxes. There was not room in them to move. They would be cramping for a medium-sized man. They are entered from an aperture at the bottom. If the victim squeezes in with his hands above his head they remain that way until he is taken out. If his arms are at his sides when he enters they stay in that position until he is released. We were told men were kept in the

Health Disregarded.

"The uniform complaint of the convicts at the Banner Mine was their not getting proper medical attention when they were not physically able to work. An instance we were made aware of was that of a convict who was forced to go to work the day following the amputation of one of his fingers. Convicts who were in good condition spoke to us of others who were badly treated. They said the Negroes were treated worse than dogs."

In spite of such testimony it is understood many members of the Legislature are determined to resist all efforts to abolish the leasing system. Every able-bodied convict working in private coal mines represents a profit of nearly \$600 a year to the State, their labor bringing in more than \$800,000 annually to Alabama.

Many members of the House and Senate have expressed the view privately that concern for the health and safety of a man who is "only a convict" is sheer sentimentality unworthy of clear-headed business men.—The Sun.

Convict Lease System

Assailed by Minister in

Alabama as Corrupt

Human Beings Cut to Pieces With Lash, Such as Would Not Be Used on Mule, He Says

MOBILE, Ala., Aug. 9.—Attacking the convict leasing system in Alabama, Rev. W. E. Lockter at the First Baptist Church recently charged that "human beings are being cut to pieces with lashes, such as one would not dare strike a mule with, for fear of being arrested for cruelty to animals, and many of them have marks on their bodies which they will carry to their graves."

"That this system is corrupt and that it is being carried on because of its financial value is admitted by all, even the Governor," declared the minister.

Mr. Lockter added that a Congressman who visited several convict camps secured one of the whips and said the graves of victims dot the land near mining camps.

FIGHT ON CONVICT LEASE—CONTINUED

Mrs. Jacobs and Judge Fort, State Leaders, Contend people Want System Abolished

7-19-23

BIRMINGHAM, ALA., July 18.—The fight to abolish convict leasing in Alabama has "just begun", spokesmen for the statewide anti-leasing committee announced here. Plans were being perfected to continue the campaign and to again carry the fight into the halls of the legislature at the present session it was announced.

The committee spokesmen declared that the anti-lease advocates were undaunted by the success of the administration fight yesterday in the senate to continue the system. The administration resolution which passed both houses expressed the sense of the legislature that there shall be no further legislation on the subject of abolishing the convict lease system during the present term. This action, anti-lease advocates claim is unconstitutional and is in effect "gag rule" upon not only the legislature but the people.

The anti-leasing forces backed by the League of Women Voters contend that a large majority of the people want leasing immediately ended and that the legislature is not acting in accordance with that will.

Another Bill Coming

"The people of Alabama have been done a great injustice by the action of the legislature," said Mrs. Pattie R. Jacobs, second vice-president of the national organization.

"This vote does not represent popular sentiment by any means. The steam roller tactics used by the supporters of the lease system is a confession of weakness and show advocates of the system are afraid to put the matter before the people of the state." Action of the two houses will not deter the anti-lease forces from having a bill introduced at this session to abolish the system, Mrs. Jacobs declared. The statewide committee, she asserted, will meet in Birmingham late this week and will contemplate plans for introducing the bill.

Judge William E. Fort, chairman of the state-wide committee said that the fight has just started and that the adoption of the resolution will not stop the campaign against the continuation of the lease system.

Look For Changes in Lawmakers

"The adoption of the resolution of Representative Long expressing the 'sense' of the legislature that there shall be no legislation which would prohibit leasing of convicts will not stop the fight which is being made by the citizens' committee backed by men and women of all counties for the abandonment of a system which has been outlawed by other states," said Judge Fort.

"We intend to continue this campaign and we still hold to the opinion that the members of the legislature will reach the conclusion before the end of the present session that Alabama cannot longer continue a system which has been condemned by other states.

"The day will come when the convict leasing system will be looked upon with horror just as citizens of Alabama now look with horror upon the dungeons and the whipping posts which their ancestors maintained in Alabama prisons years ago. There must be a decision on this issue and it cannot be postponed by the adoption of a resolution expressing the 'sense' of the legislature that there should be no legislation regarding it."

JACKSON VETERANS AGAINST LEASING

Two Thousand Five Hundred New Names in Legislative Petition Contain Ozark U. C. V.

BIRMINGHAM, ALA., July 11.—Special to The Advertiser—State headquarters of the anti-convict leasing campaign here were closed Wednesday with virtually all interested persons absent and in Montgomery to watch the legislative fight at first hand. Judge William E. Fort, chairman of the state-wide anti-convict leasing committee, was in Montgomery as was John C. Arnold, of Birmingham, and W. C. Davis, of Jasper. Other proponents of the anti-lease proposals who remained here were carefully watching developments in Montgomery.

Approximately 2,500 names were subscribed to petitions which were received by the state-wide committee from about 20 counties Tuesday among the members of the eight remaining members of Stonewall Jackson camp of the United Confederate veterans, of Ozark. There was also a petition from Luverne, signed by the majority of its business men and other leading citizens.

Among the counties from which petitions have been received are Madison, Dale, Marengo, Conecuh, Cullman, Marion, Mobile, Montgomery, Jefferson, Escambia, Limestone, Clarke, Morgan, Randolph, Houston, Walker, Monroe, Hale, Pickens, Marshall, Washington, Greene, Pike, Elmore, Coosa, Covington, Etowah, Wilcox, Tuscaloosa, Lee, Jackson, Calhoun, Shelby, Blount, Chilton, Clay, Fayette and Crenshaw. Ten new counties were among Tuesday's petitions a total of 40 being represented among those who are opposed to the lease system.

CONVICT LEASE IS UPHELD IN HOUSE BY RESOLUTIONS

By Vote of Fifty to Twenty-Two
Decide Not to Take up Prop-
osition During Present
Session of Legislature

SENATE WILL TAKE UP
MATTER NEXT TUESDAY

Movement to Keep Lawmakers
in Continuous Meeting Until
Session Closes Decided On

The Brandon administration won a complete victory in the house Friday on the convict question when a resolution prevailed by a vote of 52 to 22, making it the sense of the house no action be taken to change the present system at this session. The resolution was immediately sent to the senate and is made a paramount and continuing order for Tuesday at 3 o'clock.

The resolution was introduced by Representative Lee Long of Butler. The resolution was as follows: "Resolved by the house, the senate concurring, that it is the sense of the legislature that no change in the law relating to the system of working convicts be made at the present session of the legislature."

Immediately on introduction of the resolution Mr. Long asked for a suspension of the rules to put the resolution upon its immediate passage. The request was lost by a vote of 47 to 21. The house rules require a four-fifths majority to suspend the rules. Mr. Long then asked that the resolution be referred to the rules committee. It was so referred.

The rules committee, after an absence of two minutes from the house chamber, returned and reported the resolution favorably. Mr. Long moved the resolution be passed. A vote was taken and the resolution was passed by a vote of 52 to 22. It was immediately sent to the senate.

Passed Over to Tuesday

When the resolution reached the senate, it was read and the presiding officer had put the question when Senator Brower of Jefferson asked for the right

to speak upon it. The presiding officer ruled the senator had such a right, and to provide necessary assistance of The time had then come for the joint said health officers.

session to hear Senator Heflin's address. The senate adjourned and upon re-convening after the speech of Senator Heflin, fixed three o'clock Tuesday of the hour for the resolution to be discussed. It was made a paramount and continuing order for that hour. The senate has been polled by the administration, it is stated, and not over twelve senators have been found who will oppose the governor in the matter. The administration is confident, it is said, that the resolution will be finally acted on favorably Tuesday afternoon after the floodgates of oratory have been unloosed and Senator Brower and others opposing the present system have had their say.

According to present plans, the administration leaders in the senate will not take up the time of the senate in the discussion of the resolution. They will take the position, it is stated, that the legislature fought out the convict question at its first question and there is no reason for them to make speeches. They will not attempt, it is said, to block any amount of oratory from the opposition but will sit quietly, it is understood, and vote when the opposition has finished its course.

Brandon Is Pleased

Governor Brandon is pleased, so he states, at the action of the house. He feels, it is stated, with the convict matter behind, the legislature, can get down to business and pass the revenue measures which he regards as of great import to the state.

During the call of counties, 26 bills were introduced and referred to their respective committees by acting Speaker H. R. Howze.

The house will not meet again until 2 o'clock Tuesday afternoon. This was provided for in a resolution which also provided that thereafter the house shall meet on each Monday and remain at work through the following Friday. It was believed today that the adjourned session, 33 days of which still remain, will not be split again.

St. John Has School Bill

The fight to place the selection of county superintendents of education in the hands of the qualified voters is going on in other quarters. Representative St. John of Cullman introduced a local bill Tuesday which would change the present system in his county. It is the second of its nature to be introduced during the present session. Speaker Howze referred it to the committee on local legislation.

The Jefferson delegation loosed an avalanche of bills when their county was called. Representative L. K. Bowen's bill providing for the appointment of county health officers in counties of 150,000 population or over, is probably the most significant from Birmingham's point of view. Although a general bill, its application is of necessity locally because Jefferson county is the only one in Alabama large enough to be affected. It is understood that the bill is designed to modify a local situation.

The caption of Representative Bowen's bill reads:

"To provide for the appointment of county health officers in counties of 150,000 population or more, according to the last federal census or which may hereafter have such a population, to

fix their salaries, define their duties by the State League of Women Voters as it has not been since the old days of the fight against the corner barroom.

The fact is, the legislature four years ago voted an abolition of the convict lease system to become operative on January 1, 1924.

At the short term of the present assembly in January, however, upon recommendation of the new executive, Governor William W. Brandon, the abolition law was amended not to go into effect until January 1, 1928.

Concealed Weapon Bill

Representative R. E. Smith of Jefferson, introduced companion bills providing for an amendment acts fixing fees of solicitors in prohibition cases and concealed weapon cases. Representative Rives of Jefferson introduced a bill to regulate the passing of fraudulent checks and other instruments. Representative Bowen also introduced a bill to amend certain sections of the act providing for Alabama's educational system.

The last bill introduced during the call of counties came from representative Smith, and a general guffaw evoked when its caption was read as follows: To amend an act entitled 'An act to further suppress the evils of intemperance, etc.' "

Woman Presents Bill

Mrs. S. G. Wilkins, representative from Dallas introduced three bills whose aspects were chiefly sociological.

Her first bill offers an amendment to the Child Welfare act, and provides for \$75,000 appropriation for this work and an additional appropriation of \$25,000 conditional on the treasury. A companion bill regulating child placing went with it. Her third bill provides for the regulation by the state of maternity hospitals.

The bill to abolish board of registrars in the counties of Alabama was introduced by Representative Williams and was referred to the committee on revision of laws.

Representative Tunstall introduced the bill to further increase the revenue of the state by increasing the automobile fees. The provisions of this bill were recently reviewed in The Advertiser.

A message from Governor Brandon, read in both the house and the senate Friday morning, contained questions he propounded to justices of the supreme court relative to the port aid constitutional amendment, and the answers received, all of which have been printed in The Advertiser.

ALABAMA'S DUTY.

The convict lease system looms up as the paramount issue before the long term of the Alabama legislature, which convened Tuesday.

From the circumstances involved any of the moral obligations of a state in the premises, is repugnant to every impulse of humanity—

fight; and possibly the political enemies of Governor Brandon may use their efforts to make it such.

But viewing it from this distance, and analyzing the situation without prejudice or bias, it is first of all a great human issue, and the science of Alabama has been aroused its highway development and main-

tenance, than will the income from their private leasing as employed in any other direction.

"Provide means for giving them employment before ending the leases," says Governor Brandon.

What better and more profitable employment could there be found than in building a state system of thoroughfare, which that state has already begun so earnestly by the recent authorization of a \$25,000,000 road bond issue?

Let Alabama fall in line. The League of Women Voters is to be commended for its activity.

It took a scandal in which human lives were sacrificed to the lash to force Florida into line, but when she did drop into line she did so with the almost unanimous voice of the people aroused to a sacred duty.

Florida is to be commended for its action, and Alabama should not let the opportunity pass to show that she, too, will not longer tolerate a system that commercializes the bodies of its human wards for the enrichment of private interests.

ALABAMA HOUSE VOTES TO KEEP CONVICT LAW

Montgomery, Ala., July 13.—By a vote of 52 to 22, the house of representatives today passed a resolution making it "the sense of the legislature that no change in the present law relating to the working of convicts be made by the present body."

The resolution was introduced by Representative J. Lee Long, of Butler and was followed by an effort to suspend the rules and place the resolution for immediate passage. This failing to get the necessary four-fifths majority, it was referred to the rules committee and was reported favorably following an immediate meeting of the committee and sent to the senate for concurrence.

Increase in automobile and truck license taxes with a division of the tax to be given the cities and counties is provided in a bill introduced in the house this morning by Representative Alfred Tunstall, of Hale, as a second section of the present revenue bill.

minor laws, to private commercial their activities, in competition with free labor, and without regard to

any of the moral obligations of a state in the premises, is repugnant to every impulse of humanity—

Aside from this outstanding reality, why such a system should not be tolerated, the fact is unmistak-

able, as demonstrated by Georgia and every other state that has adopted the system, the convicts will be worth infinitely more to Alabama in its highway development and main-

Crime—1923.

BIRMINGHAM AGE-HERALD
JUNE 8, 1923

NEGRO IS HANGED ON GALLOWS THAT CLAIMED FATHER

Golson Pays Death Penalty For Attack On White Woman 23 Years After Execution Of Parent; Chambers County Exe- cutes Moore; Wilson Reprieved.

Will Golson, negro, followed in the footsteps of his father Friday, paying the death penalty in the Jefferson County jail on the same gallows that claimed his father, Will Golson the first, 23 years ago. Over in Chambers County, Ben Moore, another negro, went to death also, answering for the murder of J. Alexander Taylor, a merchant of Fairfax. Up in Limestone County, however, and in Wilcox County, Tom Wilson, a Huntsville youth, and Winton Jackson, sentenced to die the same day, were still alive—by the grace of the governor—and preparing to “carry on” in their fights for clemency. Thus Alabama observed what has become known as its “Hanging Day.”

Golson went to his death calmly, betraying no emotions as he mounted the scaffold and never once complaining as the black mask was placed over his face. The trap was sprung at 11:04 o'clock, and in 10½ minutes the prisoner was pronounced dead by attending physicians.

Golson walked to the gallows and made a short confession of his crime. Chief Deputy Hill placed the rope and black mask over his head and Sheriff J. T. Shirley pulled the lever. Golson fell to his death without a sign of fear. It was the first execution in the Jefferson County jail since Will Moton, alias Black Butts, said to have been an uncle of Golson, and John Whiteside, negro, charged with the murder of a white man, were hanged in July, 1921. A large crowd gathered outside the jail early in the morning, but few were permitted to enter the jail.

Golson took nothing for breakfast but a bottle of soda water. He was dressed in a new black serge suit and a white shirt and collar. A complete new outfit of clothing was furnished by the state.

At 9:45 o'clock Golson's grandfather, J. G. Booth, a preacher, arrived at the

jail to see Will for the first time since his father was hanged. Booth, a tall negro of the old-fashion type, wished to take any request which Will might have to make, but Will replied that he had said everything he cared to. “This will be a warning to your brothers,” said Booth. “If they follow in your steps, they will know what the end is. Willie, you ought to know better than that. This is the second time that I have been in a jail—the last time was to see your father hang.”

Attends Prayer Services. Golson was then taken into the basement of the jail, where services were held in the presence of all the negro convicts. Jim Pearson, negro preacher in charge of the negro convicts, held the services. He told the gathering that Will had religion now, because when he came to jail and needed some one to go his bond, he found that God was the only one that could.

Golson glanced back through the jail window at the gallows as a prayer was offered. The congregation sang “Death is only a dream,” and Will spoke to the other convicts. He confessed to the crime and said that he had committed no burglary in all parts of the country. He advised all to “get out” of their past ways.

“Don't go like I went,” he pleaded. “I been going a long time, but was after making a full confession of his

caught at last. I been going into houses for seven or eight years and doing things I oughtn't for about 15 years. I seen this hanging when I was up in Ohio.”

Then the old grandfather spoke. He said that it was not Will's fault, but that “he's a chip off the old block,” from the other side of the family. “My people call me a black Ku Kluxer,” the old negro said, “because I has fear. If Will had had fear, he wouldn't be here now.”

Following the meeting, Will was taken up to the gallows. He walked without any outward signs of fear. When he mounted the gallows, he repeated his confession. As the straps were adjusted around his arms and legs, he mumbled prayers to himself, but did not tremble. He silently fell through the trap and in 10½ minutes was pronounced dead. The rope was cut. The coffin, a plain box such as is used in all county burials, was brought to the gallows and the body was removed in the county ambulance.

The scene was shielded from the view of other prisoners in the jail by blankets which had been placed over the windows. As the crowd outside the jail saw the ambulance leave for Poters' Field, they slowly dispersed, many of them with bits of the rope.

The trap was sprung by Sheriff T. J. Shirley, who, though opposing capital punishment in most cases, announced that he was complying with the law and doing his duty.

Golson was placed on the gallows at 10:59. Pearson then explained to the little crowd that had gathered that Golson had confessed and went into details of his association with the prisoner.

Among the spectators was Leon W. Friedman, industrial writer of The Birmingham News, who saw Golson's father hanged.

The time of the execution was advanced by the sheriff to avoid crowds that were expected to gather at noon, the original hour set for the hanging.

Golson was arrested March 30 while attempting to enter a house at 1418 North Twenty-Fourth Street. He had removed his shoes and was opening a window as one who had had practice.

When he was surprised by a resident in the neighborhood, who called police. He confessed to the police that he had committed several assaults in Birmingham and that he had committed all the last outrages which occurred in Knoxville a few years ago. However, he admitted later that he was in jail at Columbus, O., during the period in which these crimes were committed.

Wednesday he confessed that he had committed the crime for which he was sentenced to die, and also to an attack on a negro woman, but said that he was not guilty of any other assault. He admitted that he was a burglar and had entered many homes around Birmingham and in Ohio.

During his trial he pleaded insanity and refused to answer any questions on the stand, stating that he did not remember anything. The woman he attacked identified him and a jury lost no time in finding him guilty.

Golson acted more rational during the past week, spending most of his time reading a Baptist Sunday school catechism. He was baptized Wednesday after making a full confession of his

Alabama.

SEARCHLIGHT TURNED ON ALA. PRISONS

Revolted Barbarity Stirs Na- tion-Wide Protest Against

Another Southern State

PEONAGE PRACTISED

“Dog House” Punishment Used; Hospitals Filled With Maimed Victims

(Crusader Service)

Birmingham, Ala., July 5.—Out of every eighty convicts sent to work in the privately owned coal mines of Alabama one man loses his life each year.

To one of every eighty men sentenced to prison terms in this State the words spoken by the judge are equivalent to:

“I sentence you to death in the mine.” For peonage still exists in Alabama and convicts are fanned out by the thousands to grasping, blood-sucking capitalists.

Alabama is one of the few remaining States in the Union which leases its prisoners out to private companies. The State has about 3,000 prisoners, of whom about 1,400 are leased out to coal companies and about 200 to lumber companies, while the rest are kept in the prisons at Speigner, Kilby and Wetumpka. Needless to say, most of the prisoners leased out are colored convicts, many of whom have been picked up on the most trivial charges and given harsh sentences in Alabama's courts of “justice.”

The net profit to the State from the convicts thus farmed out during 1919, 1920, 1921 and 1922 averaged \$845,000 a year. The net profit for the current year will be, it is estimated, about \$870,000.

Goaded to Limit

“Though the convict is nominally under the supervision of a Warden employed by the State,” says an opponent of the system, “as soon as he begins his work each day he is turned over to guards employed by the mine, and from them goes to the ‘check runner’ a convict trusty, who is held responsible for the work done.”

It has also been brought out that while the lash has been abolished by executive order in 1919,

wooden clubs, metal pipes and other weapons have been substituted. The worst punishment of all, however, is the “dog-house”—a coffin-like box or enclosure, so small that a man cannot move inside it, in which convicts are fastened by their hands, their feet scarcely touching the floor.

One prisoner, investigators were told, was suspended in the “dog house” for having defied a guard and kept there so many hours that his flesh puffed through the laces and eyelets of his shoes, the shoes having to be cut away before they could be taken from his feet.

Victims Fill Hospital

But it is within the hospital of Kilby Prison that one sees the final class of Alabama's convict slaves.

This class is made up of convicts who have gone to the mine and who can never work again. Unfortunate? Well, that's a question. Because the loss of a foot or a hand, tuberculosis or a general breakdown means that the prisoner goes to the hospital—and has escaped the mines. And prisoners look on this as well worth the price.

These are the survivors of the mines. But many never survive.

It is on conditions like these that the searchlight of publicity has at last been turned with the promise that, as in the case of the State of Florida, Alabama will be forced by outside public opinion to clean house.

WILLIE GOLSON HANGED UNDER OUR LAW.

The law of our State provides capital punishment for certain crimes, and that punishment is putting away the criminal by hanging until dead on the gallows. Friday, June 8th, five persons were scheduled to go this route. Two met the decision of the court and jury and in this number was Willie Golson.

The crime laid at the door of Golson was the worst in human society—the brutal attack upon a woman. For this he was convicted and hanged. As serious and unforgiving as is such a crime, Willie Golson, who died under such conviction, is not to be thought of as among the purely brutal, bad men, seeking by design to commit criminal acts.

Any student who may have studied Golson for half an hour, heard him talk, watched his movements, studied his attitude, noted his change of position, would have concluded that he was a person almost without mind. He was crazy, a freak of nature in the form of a human being, and was more to be considered on this line than on the charge laid at his door.

That society is better off and the county safer without him is no question and is hardly worth debate.

Such characters as Willie Golson, and there may be others found in a ratio of one to a hundred thousand, should be placed in the asylum or some school where such freaks might be studied. Men doing welfare work could have been greatly benefitted and may be some revelations come from the study of such a person that would bring relief and information to our professions.

His confession was sufficient proof for the punishment meted, but under all the circumstances, considering a man without the slightest spark of mental vision, the source may be weighed and considered more than the bare confession. We believe in capital punishment and in speedy execution of the law when crimes of this kind have been committed. We feel that the law should be carried out in the manner in which this was done and applied to all alike.

Somehow we cannot see how society profited in the way Golson was taken away and yet without careful handling it would have been unsafe to have done otherwise. Let us hope that the best judgment has been exercised and a substantial lesson taught.

It was remarked on the day of the hanging that Willie Golson met his death bravely and manly without a tremor or waver. The writer happened to be present and according to what we were able to see, Golson was no brave man. There was nothing brave about his conduct in his cell, in the corridors, in the assembly room, with other prisoners nor on the gallows. He had nothing to make him brave. He appeared without heart, feeling or conscience. He said nothing, in fact, but made a few gibberish utterances, about as the conduct of a well-practiced parrot, may be not quite as intelligent as the foreign bird. Golson went to his death just about as a hog would, with no knowledge of his execution, and this is not criticism direct or indirect on the part of anyone, it is the expression as we conceive it, of the mental attitude of the subject hanged. Golson knew nothing about what was going on and cared nothing about it. There is no doubt but that he was a freak and committed many crimes. His criminal attitude was not a cultivated one. At times he might have been more mentally balanced than at others and at other moments he could have been extremely crazy and may be in this spell or coma he made his attacks. He died without friends, his own relative just ten minutes before his death was drastic with him, more

of an apparent display to the white people around than of any real benefit to Golson—an expression of the family tendency. Under the circumstances we believe the courts could have done nothing different and no intervention for Golson, he answered the summons of our court.

CONVICT LEASING ISSUE IN ALABAMA

Montgomery, Ala., July 10—Whether Alabama will continue the leasing of the convicts for ten years more or in the practice is the outstanding question which has all others in interest. The Alabama legislature convened today for its long summer session.

At the short term in January the law which provided for abolition of the lease system after January 1, 1924, was amended to extend the time four years upon recommendation of Governor William W. Brandon. Since that action a popular movement was set on foot by the Alabama League of Women Voters to end the convict leasing at once and the movement, according to league leaders, has gained such momentum that it would occasion no surprise if the legislature reversed its action and ended the system at once, or at least before the four years have elapsed.

Spokesmen for the league frankly say that revelations of the Florida system provoked popular disfavor for Alabama's leasing practice and that the record recently written in the sister state will have much to do with action at this time.

Governor Holds Same View.

The governor has not changed his view on convict leasing, holding to his original idea that the convicts should be leased until the state provides means for giving them employment that will make them assets instead of liabilities from a financial point.

One of the first bills to be introduced will be one abolishing the office of tax collector in counties of less than 35,000 population. Another bill, over which controversy is expected, will be one to regulate the practice of law. This bill provides that the state bar association shall rule, its members' final appeal resting with the supreme court.

Indorse Tuskegee Protest.

In the senate a resolution protesting any move to send a negro personnel to the government hospital at Tuskegee, introduced by Senator Powell, of Macon county, was given unanimous indorsement and immediately sent to the house.

All net profits derived from the convict lease system would be turned over to the state department of child welfare under terms of a bill introduced in the senate by Senator Foster, of Tuscaloosa.

Convict Leasing System Big Issue In Alabama

Press-News Service.
Montgomery, Ala., July 13.—According to a statement made by a member of the state legislature, Alabama's so-called convict contract system will form the axis around which will revolve one of the most intense legislative fights of the adjourned session of the state assembly when it resumes the session. The state-wide committee for the abolition of the system plans to sponsor the bill proposing the removal of convicts from privately owned mines or other industries. Persons advocating the immediate banishment of the system realize however that their measure would precipitate a hot legislative fight.

MOBILE MINISTER CONDEMNS SYSTEM

Montgomery
Episcopal Dean Declares Public

Opinion Will Eventually Abolish Convict Leasing

MOBILE, ALA., July 15—Rev. Gardiner C. Tucker, rector of St. Johns church and dean of the Episcopal diocese, in an open air meeting attended by 1,500 people in the public square here last night, said that Alabama's system of handling convicts is a disgrace.

The law, the doctor said, seeks to educate and uplift the criminal who has fallen as a result of weakness or temptation, and he deplored the punitive or vindictive policy toward the convict, stating the latter takes the position of being an instrument of depression, rather than elevation.

Continuing, he said that "Alabama is waking up to the disgrace of the leasing system and that public opinion would eventually abolish the practice."

After Florida, Alabama

THE ghost of Martin Tabert of North Dakota, killed in a convict camp in Florida, has not yet found peace and where it walks society is troubled. Alabama citizens are asking their legislature why their State should be the last in the Union to cling to the barbarities of the convict-leasing system. After damning reports by legislative committees in 1915 and in 1919 it voted to abolish the practice, but twice since that time pro-leasing forces have managed to have the old leases extended. The anti-leasing forces are replying with reports of working conditions and cruelties in the convict-operated mines. They are concerned that convicts have to walk four miles after entering the mine, down the rough, wet, dripping slope to their work, and at night toil back, with the result that they seldom see the light of day except on Sundays. They are concerned that 25 per cent of all mine deaths in Alabama were among convict miners, although more than 250 mines employ free labor and only four are convict operated. They are concerned that 90 per cent of all cripples and 80 per cent of all the tubercular patients in the entire convict department come from the mines. They are saying that death, mutilation, and disease should not be added penalties to the sentences imposed by the courts. They are asking where lay the value of abolishing the lash in July, 1922, since wooden clubs and metal pipes have taken its place, and a common punishment is a coffin-like box in which convicts are fastened by their hands, their feet scarcely touching the floor.

But Alabamans are apparently little concerned with the creeping into the State of the insidious "contract" system that quibbles at the law and perpetuates all the evils of the old "lease" system. It matters not a jot whether the contractor buys the labor of the convict or the product of that labor. Workers are still speeded up under the piece system, and the brutality and graft arising out of dual supervision remain. A few weeks ago a private manufacturing company—sometimes called the "convict labor trust" from its use of 1,600 prisoners in Kentucky, Wisconsin, Wyoming, and Oklahoma, as well as Alabama—began operating the new shirt factory in the Kilby prison. They propose to pay the State seventy-five cents a dozen for shirts made and packed, which, according to the National Committee on Prisons and Prison Labor, is not more than half the cost in free factories, with \$150 per month for cartage and overhead charges, which will mean an actual loss to the State.

We do not contend that the able-bodied prisoner should not work—in all kindness he should. Alabama could do no better than to adopt the program laid down by the National Committee on Prisons and Prison Labor and adopted, almost without exception, by the seventeen States represented at the first national prison industrial conference at Washington last March. The plan separates the mentally and physically unfit from the able-bodied, and provides for training or treatment so that the convicted may be returned to society "cured" persons. Economic and industrial considerations stand first, and, to this end, the "States'-use" system calls for a standardization of specifications for commodities needed by the departments of all States and the manufac-

ture of those commodities by State prison factories, State managed, and paying a proper pro-rated wage to the prison employee. This is not a mere theory; it is developing in Massachusetts, Virginia, New York, New Jersey, and Ohio.

MOBILE WOMEN PROTEST AGAINST PAROLE OF "SHREVEPORT SARAH"

The Montgomery Advertiser
League of Women Voters Expose Record of Notorious Mulatto and

Threaten Exposure of Parties Concerned in Application to Governor Brandon and Appeal to Ku Klux Klan for Relief

MOBILE, ALA., Aug. 9.—Special Leased Wire to The Advertiser.—Th was a reaction in this city today the paroling of Sarah Simmons, al Sarah Wilson, by Governor Brandon which made a noise loud enough to be heard at the capital. The matter came up as a special order of business at a meeting of the League of Women Voters, presided over by Mrs. James Hagan and attended by a crowd which showed determination to follow it up to the end.

The majority of the women who indignantly referred to the parole of the woman as reported in the newspapers, assumed that Governor Brandon did not know her record here and in other states and that the governor had been hoodwinked by a former official now in Montgomery and by the representations of two Mobile men whose names were given at the meeting, amid howls of derision and cat-calls. A resolution condemning the governor for issuing the parole was held up until an explanation can be obtained from him, in the belief of the women that he did not know the true facts in the case.

The women came to the meeting armed with records and documents to prove charges made during the course of their denunciation of the authorities. From these records it appeared that Sarah Simmons is a mulatto and that she is known locally as "Shreveport Sarah." She was brought to Mobile about five years ago by a follower of the race track from New Orleans.

Long Police Record.

"Shreveport Sarah," has a police record several yards long and it was by the governor will enable her to claim at the meeting is the most walk out of jail and await events. notorious woman, white or mulatto. It was alleged at the meeting by that any city in Alabama has ever had several speakers that the Simmons to deal with. Evidence was presented woman had boasted she would never that she had been driven out of serve her term in the penitentiary; Louisiana, out of Mississippi and from that she had influence enough to Pensacola, Fla. Her record includes obtain a pardon. It was also alleged prosecutions on prohibition charges, that on a previous conviction she had drunkenness, vagrancy statutory of-boasted that she expected a former fences, violations of the Federal nar-governor "to meet her at the gates cotic laws and various minor cases in of Speigner prison with a pardon in which she has served time, paid fines his hand." No suggestion was made or escaped punishment through a fac-at the meeting that the former gov-ulty of enlisting the sympathy ofernor even knew the woman, but her wealthy and influential men. She has boast was taken to mean that she had served one year in the penitentiary at friends in high places who would see McAlester, Okla., on a narcotic con-that she did not go to prison.

Talk of Ku Klux Klan Appeal.

In Mobile she has been convicted in Mention of the names of the sup-city, county, state and federal courts posed protectors of the woman brought and her career here seems to have been an almost violent demonstration at the longer than in any other city where meeting, with demands that it go on she has come into conflict with therecord as denouncing the actions of authorities. This fact brought thethese men "whose upholding of the statement from one of the women at most notorious character in the city today's meeting: was an insult to every white woman

At this point in the meeting a movement started which, while not stated in plain terms, could have only one interpretation—that the women intended appealing to the local branch of the Ku Klux Klan to take action against the men whose names have been connected with "Shreveport Sarah." This was not put in the form of a resolution, but it was generally understood that some of the women present would carry the case to the secret order.

Another action of the League was to condemn the Mobilians who signed a petition to the governor for the pardoning of "Topsy" Levene, convicted of bootlegging, whose case had been fought through the courts for two years.

MOBILE COMMENDS GOVERNOR BRANDON

Women Satisfied That He Did Not Know Full History of "Shreveport Sarah" Case

MOBILE, ALA., Aug. 11.—Special by Leased Wire to The Advertiser.—The action of Governor Brandon in revoking the parole issued to the woman known here as "Shreveport Sarah" has been strongly commended by leading women of the city who protested on Thursday against the parole being issued.

It is fully understood here that the exposure of the woman's long police record and the coming to the surface of times she has been convicted in the city, county, state and federal courts, which appeared in The Advertiser as an account of the indignation meeting of the League of Women Voters, influenced the governor to rescind his first action. Notice of the revocation of the parole did not reach the sheriff at the county jail until after publication of the account of the meeting published by The Advertiser.

It is also understood by the women who took part in the meeting that the governor was not informed of all the facts in the case by the parties who made application for the parole.

"Shreveport Sarah" has nearly concluded her 14-day sentence here and will be taken to the penitentiary next week to start her sentence of three and a half years imposed in the circuit court for a statutory offense.

As the question of the guilt of the "man in the case" was brought up in the application for the woman's parole it is probable that the League of Women Voters will take cognizance of this phase at their next meeting.

NEW EFFORTS TO BARE STORY OF OUTBREAK

Judge Fort To Organize October Grand Jury At Nine O'Clock Monday Morning. Davis Expected Back

OUTGOING BODY'S CHARGE TO RECEIVE ATTENTION

Presence Of Mutiny Leaders At Evans Trial November 1 Believed Means To Obtain Facts Of Treatment

Banner convict mines of the Pratt Consolidated Coal company is again expected to enter, the limelight of state affairs Monday morning when the October Jefferson county grand jury will be organized by Judge William E. Fort, an original division of circuit court.

Though Judge Fort is expected not to make any special reference to the Banner mutiny of September 10 and the investigation of alleged cruelty to state convicts leased to the Pratt company there, the outgoing grand jury in its final report on October 3 urged their successors to continue to clear up charges of ill-treatment of convicts. 10-15-23.

The new inquisitorial body is expected to push the investigation to completion, especially looking into reasons for conditions found by the previous body, which reported that "those interested in the concealment of the truth have been so full of the strategy that they have controlled affairs against the demand of legally constituted authority with apparently as much ease as a skipper would sail against the wind."

Davis Expected Back.

Solicitor Jim Davis, who has been confined to his home for the past week or more by a slight illness, is expected to return to his duties Monday and vigorously resume the investigation of conditions which brought on the Banner mutiny and subsequent efforts of Gov. William W. Brandon and members of the state convict board to block a grand jury investigation.

Solicitor Davis, with the indictment of Banner Warden J. D. Evans, by the last grand jury on October 3, declared he believed the path was paved to complete investigation of Banner conditions. Governor Brandon and President L. A. Boyd of the convict board were severely criticized by the grand jury for failure to co-operate in the inquiry, but the trial of Evans is expected to be a weapon which will counteract efforts of these state executives to hamper the investigation, according to the solicitor.

When Solicitor Davis attempted to bring convicts who participated in the mutiny before the grand jury to give testimony regarding conditions at Banner, Governor Brandon was instrumental in obtaining a prohibitory writ in favor of Mr. Boyd which forced Judge H. P. Heflin to vacate an order requiring presence of four convicts who had been flogged by order of Mr. Boyd before the grand jury. Justice Lucien D. Gardner, of the Alabama supreme court, issued the writ. An order requiring Boyd to bring eight other flogged convicts before the grand jury is still pending, having been ignored by Mr. Boyd.

Whether Solicitor Davis will seek to have Justice Gardner's prohibitory writ dissolved by the supreme court this week is problematical. Trial of Warden Evans is scheduled to start November 1 before Judge H. P. Heflin and 17 convicts who were flogged September 12 by Boyd's own admission and the records of the convict department, will be ordered into court on that date. Order for their appearance is expected to be issued this week by Judge Heflin. Under the Alabama law, convicts may be brought into court in criminal proceedings through giving one week's notice to the president of the convict board.

Brandon Ignores Request.

Governor Brandon has ignored requests of the solicitor and the last grand jury that he ask the state supreme court for an opinion as to whether grand juries can be barred from entering state prisons in the county of the jury's jurisdiction. Sections Nos. 7286, 6604 and 6560 of the Alabama code of 1907 are given as authorities for such procedure by the grand jury.

This request was made following a surprise visit paid to Banner mines September 27 by the grand jury, when Warden Evans denied admittance. This move was successful in obtaining the presence of two participants in the September 10 mutiny before the grand jury the next day. Solicitor Davis serving subpoenas upon them as they worked outside the walls. The men's sentences expired the next day, which made it possible for them to appear.

Grand jury investigation of charges made by Sam Renow, ex-convict, who filed suit for \$100,000 in circuit court last week, charging that he was inhumanely flogged at Wegra mine camp on April 2 by Warden Clifford Gibson, is also expected at the present session. Renow appeared before the last grand jury and testified concerning conditions.

PROHIBITION WRIT ISSUED BY JUDGE SUPREME COURT

Montgomery
Paper is Served by Watchman at
Capitol; Order of Jefferson

Circuit Judge is De-
clared Vacated
Advertiser

SUBPOENA WITHDRAWAL CALLED FOR BY BRANDON

Solicitor Davis Threatens to
Send Grand Jurors to

Mines for Probe
9-23-23

Justice Lucien D. Gardner of
the Alabama supreme court, late
Saturday afternoon, issued an al-
ternative writ of prohibition to
Judge H. P. Heflin of Jefferson
circuit court, prohibiting the com-
pelling by the court of the appear-
ance of convicts before the Jef-
ferson county grand jury now en-
gaged in an investigation of the
recent mutiny of convicts at Ban-
ner mines. *9-23-23*

The order was issued upon petition
of L. A. Boyd, president of the state
board of convict supervisors. The pe-
tition was addressed to the Chief Jus-
tice and Associate Justices of the su-
preme court, and was signed by Mr.
Boyd and by Attorney General Har-
well G. Davis, as attorney for the
petitioner. Justice Gardner's order is
returnable, November 15, 1923.

Service of the order upon Judge
Heflin was by Colonel Edward Mc-
Murry, Confederate Veteran, watchman
at the state capitol and for many years
Sheriff of Greene county. Colonel
Meredith, as deputy marshal of the
Alabama supreme court in performance
of this duty, left for Birmingham
Saturday afternoon at 5:56 o'clock.

Court In Recess

The supreme court being in recess
the petition was presented to Justice
Gardner for action. After due con-
sideration of the averments contained
in the petition, Justice Gardner's or-
der was issued.

This order directed issue of a
rule nisi directed to Judge H. P. Heflin
of the criminal division of the cir-
cuit court of Jefferson county, com-
manding him to vacate the order of
the circuit judge, a copy of which was
attached to Mr. Boyd's petition, as
exhibit "A".

Judge Heflin's order directed that
the clerk of the criminal division of

the Jefferson circuit court issue a
summons to L. A. Boyd to appear be-
fore the Jefferson grand jury, bring-
ing with him a record book known as
"record of punishments," one of the
record books at Banner Mines prison
camp, and that he appear personally
and bring the record book required
before the grand jury, at 10 o'clock a.
m. on Monday, September 24. It was
further ordered by Judge Heflin, that
the clerk of the court issue a sub-
poena to Mr. Boyd, to produce before
the grand jury at the same time and
place, 4 convicts, namely, Tom Wiley,
Jack O. Baugus, Joe Saffron and Fred
Cook. The grand jury, it appeared,
was stated in the order, desired the
evidence of Mr. Boyd, also the con-
victs named, and to inspect the record
book referred to.

Justice Gardner in his order also
requires that subpoenas for each of
the convicts named, which subpoenas
were directed to Mr. Boyd, command-
ing him to have each of the convicts
before the grand jury on September
4, be withdrawn.

The order of Justice Gardner re-
quires that no action be taken looking
to the punishment of the petitioner,
or failure to comply with the order
and the subpoenas, also that no fur-
ther action be taken to require the
petitioner to produce the convicts be-
fore the grand jury, or that Judge
Heflin appear before the supreme court
on November 15, 1923, to "show cause
why the same should not be done."

Further Action Suspended
Justice Gardner's order states in ad-
dition: "It is further ordered that until
a further order of this court all
action looking to the production of
aid convicts or to the punishment of
said petitioner for failure to comply
with said order and subpoenas be
suspended."

WILL GO TO MINES

BIRMINGHAM, ALA., September 22.
—If Governor William W. Brandon
actually carries out his announced in-
tention not to allow Banner Mines
convicts to appear before the Jef-
ferson county grand jury investigating
he recent mutiny and floggings there,
he grand jury will go to the mines.

Solicitor James G. Davis, in making
this announcement today said that
unless convicts summoned to testify
before the investigators are produced,
he was prepared to take the jurors
to the mines, in order that they might
investigate for themselves.

TO SUMMON BRANDON

BIRMINGHAM, ALA., September 22.
—It was stated authoritatively at the
solicitor's office tonight that Governor
Wm. W. Brandon, of Alabama, would
be subpoenaed for questioning by the
Jefferson county grand jury, which
is conducting an investigation into the
Banner mines mutiny and subsequent
floggings last week. Although noth-
ing was learned as to just what in-
formation could be obtained from the
governor, it was rumored he would
be asked why he has taken the atti-
tude he has shown in the probe.

When the grand jury reconvenes
Monday and again takes up the probe,
startling testimony which will out-
rival any information already obtained
is expected to be given.

One of the star witnesses of the
coming week will be a recently dis-
charged white convict of Banner
Mines, who, it is said, now bears and
will carry to his grave, marks on

his back, the result of floggings, given
him by authorities at the mines.
It was reported this man lingered
between life and death in the mine
hospital for several weeks after being
flogged. *9-23-23*

A negro convict at Banner Mines,
whose name was withheld, has been
summoned to appear before the jury
Monday to testify as to how he had an
ear slashed from his head when he
was flogged after the recent mutiny.
A witness of this flogging will also
testify Monday, it was authoritatively
learned. Their testimony is expected
to be most sensational.

Members of a train crew, who were
passing near the mines on the day
of the recent flogging also will ap-
pear Monday, it was announced. These
men, hearing cries, stopped their train
and either heard or saw from 30 to
40 lashes given each man whipped.

Evans Will Appear

The solicitor said Warden J. D.
Evans, of Banner, will appear Monday
and he had been notified to bring his
lash with him, and that should he
"forget" to do so, he would be com-
pelled to send for it.

Should the jury visit Banner mines
to get first hand information and ad-
mittance be refused them, the warden
will be cited for contempt of court,
it was announced at the solicitor's
office.

In the face of rumors that no con-
victs would be allowed to come to
Birmingham, Roy Nolen, associate
member of the state board of convict
supervisors announced today he would
have Kenneth Wood, convict, before
the jury Monday. Wood is expected
to make one of the star witnesses of
the probe.

WILL CONTINUE PROBE

BIRMINGHAM, ALA., September 22.
—Solicitor James G. Davis, tonight de-
clared he aimed to continue the in-
vestigation of conditions under which
convicts are worked at Banner mines
despite legal obstacles imposed by
Governor W. W. Brandon.

"I will insist upon these convicts
appearing before the grand jury and
giving testimony regarding conditions
at Banner mines," he said when in-
formed that Judge Lucien D. Gardner,
of the state supreme court, had issued
a writ to prevent the appearance of
the convicts before the grand jury.

"I will fight this thing through to
the last ditch and make every attempt
to uncover whatever the convict board
and the governor are trying to hide,"
Davis added.

A probable move to get around the
court order was seen in his declaration
to take the grand jury out to per-
sonally inspect conditions at the mines.

To Visit Other Camps

"My grand jury will visit next week
not only Banner prison camp but
every state convict prison camp in
Jefferson county where the lease is
operated," the solicitor declared. "The
governor and the convict board can-
not bluff me from carrying this in-
vestigation through."

Judge Heflin when advised of the
writ directed toward him, declined to
comment before receiving official noti-
fication.

Blair Makes Statement.

Dr. F. F. Blair, physician inspector
of the board of convict supervisors,
was asked Saturday if he had anything

to say about the alleged serious condi-
tion of one of the convicts whipped
following the mutiny at Banner mines.
Dr. Blair stated that the report was
false.

"I left Banner on the night of Sep-
tember 19, at eight o'clock," he said.
"These prisoners had all worked in the
mines that day, and I have just been
in conversation with the physician in
charge at Banner. He informs me
that they all worked yesterday, Sep-
tember 21, and are at work today,"
said Dr. Blair.

"Just such misrepresentation as this
in my opinion, is what caused the re-
grettable occurrence at Banner on Sep-
tember 10. If this agitation and mis-
representation is kept up, I feel sure
we are going to have other occurrences
similar to the one we had at Banner
on September 10, and probably they
will be more serious. This agitation
makes it hard on the convicts, for
they are all excited over the investi-
gation that is now going on and the
newspaper agitation, and everyone
knows, or should know, that disci-
pline must be maintained.

"Such agitation makes it doubly hard
on the officials who have to administer
the affairs of the convict department."

CONVICT LASH IS BARBARIC, SAYS EX-GOVERNOR

9-20-23
Kilby, Former Alabama Execu-

tive, Censures Restoration of
Flogging to Camps.

By International News Service.

ANNISTON, Ala., Sept. 19.—"The
whipping system is a relic of bar-
barism that no civilized government
should sanction and no enlightened
people should tolerate," declared for-
mer Governor Thomas E. Kilby, in a
statement issued following the ac-
tion of the Alabama State Board of
Convict Supervisors in restoring the
lash to convict camps. Governor
Kilby issued an executive order abol-
ishing the lash before his term ex-
pired.

"Corporal punishment in the peni-
tentiary was abolished after the
most careful consideration," said the
former governor.

"All whipping straps were destrtoy-
ed and wardens notified that any
violation of the order would be con-
sidered cause for immediate dis-
charge," he continued. "A system
of humane punishment was estab-
lished to take the place of flogging,
and experience demonstrated that
the new system was an improvement
over the old one."

Probe of Convict Labor Conditions In Mines Asked

7-23-23

Washington, July 22.—The coal
commission has been asked by the coal
miners' union to investigate conditions
under which Alabama Mining com-
panies are said to employ convict
labor. A letter made public today
by the United Mine Workers, carry-
ing the petition, said that reports
"spread broadcast" indicated that
convicts had been "compelled to suffer
torture" in order that non-union min-
ing companies might reap profits.
The union, it was added, "em-
phatically protested against the em-
ployment of convicts in coal mines
Alabama or anywhere else." There
is no doubt, it was declared, but that
"the public will stand aghast at the
revelations of cruelty and mistreat-
ment of convicts so employed if the
commission would go into the sub-
ject."

In addition the union's letter as-
serted that Alabama non-union coal
companies have hammered wages of
mine workers down since last year
and lowered costs of coal production
but at the same time had raised the
prices of coal. The unnamed con-
cerns were said to be "gouging the
public pocketbook in shameless
fashion."

MICHIGAN ARRESTS ALABAMA NEGRO

Wash Abrams Proven to be Es-

caped Convict by Compari-
son of Finger Prints

Advertiser, 8-16-23
Individuals may change their names
and appearance but throughout life,
their finger prints remain the same.

That is why the Bertillon bureau of
the state convict department announ-
ced Wednesday, that Charles Bell, an
inmate of the Michigan state prison,
and Wash Abrams, escaped Alabama
convict, are one and the same.

Wash Abrams, negro, was convicted
in Mobile county, February 22, 1919,
of robbery, and sentenced to 15 years
in the penitentiary, where he was
listed under the serial number 6499.
On April 18, 1919, he escaped from
the state prison at River Falls.

Michigan prison authorities advised
the Alabama state board of convict
supervisors several days ago, that a
man named Charles Bell, serving a
sentence in the Michigan penitentiary
answered the description sent out at
the time of Abrams' escape. A com-
parison of the finger prints of Bell,
whose serial number in Michigan was
15344, showed that "Bell" was none
other than Abrams.

As soon as his sentence expires in
the Michigan penitentiary, Abrams
will be brought back to Alabama to
complete the serving of his sentence
imposed in Mobile county in 1919.

THREW DYNAMITE IN SHAFT, CLAIMS BOYD

Montgomery Advertiser
Head of State Convict Department Believes Mutineers

Made Effort to Kill or Cripple Guards on Duty at
Entrance of Banner Mine During Mutiny

While the mutiny of convicts was in progress at Banner Mines on September 10, mutineers in the mine during the trouble, threw dynamite out through the shaft used for men entering and leaving the mine, according to L. A. Boyd, president of the state board of convict supervisors.

In a conversation Thursday, concerning the mutiny, Mr. Boyd stated he overlooked one detail of the affair in making his report to the governor. Mutineers in the mine threw dynamite out through the entrance of the shaft he stated, and that presumably was done to kill or cripple the guards whom they knew were on duty at this entrance. Asked how many of these dynamite grenades were thrown Mr. Boyd's reply was he did not know but he understood there were several.

Mr. Boyd upon being queried as to whether he had any statement to make with regard to the conference Wednesday night between himself and Solicitor James Davis of Jefferson county, said he had not. Asked if he was going to Birmingham Friday, in response to a subpoena served on him Thursday morning to appear before the Jefferson county grand jury now engaged in an investigation of the mutiny at Banner Mines, Mr. Boyd replied that he was. It was understood that Mr. Boyd would leave for Birmingham late Thursday.

Names of Leaders.

When asked what crimes the men who mutinied at the Banner Mines were convicted of, Mr. Boyd produced a list of their names, together with the offense of which each had been found guilty and a brief sketch of their prison record, also the number of times each has been transferred if any.

The list follows:

Tom Wiley, white, sent up from Lauderdale county February 1, 1923, to serve a life sentence following his conviction of murder in the first degree. Transferred from Kilby to Flat Top, Flat Top to Kilby, Kilby to Aldrich, Aldrich to Banner.

W. D. Lavender, white, convicted in Montgomery county, February 14, 1922 of grand larceny and sentenced to from two to four years in the penitentiary. Escaped from Kilby August 18, 1922; recaptured same day. Transferred from Kilby to No. 4, to Aldrich, to Kilby, to Aldrich to Banner.

Clinton Helton, white convicted in Jackson county, November 17, 1921, of burglary, and given a sentence of from

a year and a day to a year and six months. Escaped from the Boys' Industrial school three times. Transferred from Kilby to Speigner, to Kilby, to Banner.

Roy Crow, white, convicted in Morgan county, April 19, 1920, of forgery and given a sentence of from 25 to 26 months in each of two cases. Transferred from Aldrich to Kilby, to Flat Top, to Kilby, to Banner.

Joe D. Safforn, white, sent up from Mobile county, April 28, 1920, to serve from five to six years, following his conviction of arson in the second degree. At Banner continuously.

Frazier Howard, negro, convicted in Macon county, April 24, 1920, of robbery and given a sentence of 50 years. Ex-convict, at Banner continuously.

Mack Brown, negro, sent up from Jefferson county, February 25, 1922, to serve a sentence of 15 years, following his conviction of robbery. At Banner continuously.

John Cates, convicted in Jefferson county, November 6, 1921, of buying, receiving or receiving and concealing stolen property, and given a sentence of from 3 to 5 years. Ex-convict, held over for Etowah county roads as an escape; alias as John Oats, Beason Overby and Beason Osby. Transferred Kilby to Flat Top, to Speigner, to Kilby, to Speigner, to Aldrich, to Banner.

John Churchwell, white, convicted in Houston county, February 28, 1922, of grand larceny, and given a sentence of from 21 to 36 months. Transferred, Kilby to Banner.

Jack O. Bougus, white, convicted in Jefferson county June 23, 1923, of rape, and given a sentence of 10 years. Transferred, Kilby to Banner.

Ed White, negro, sent up from Bibb county, May 13, 1919, to serve a sentence of 10 years, following his conviction of manslaughter in the first degree. Escaped December 5, 1919; recaptured same day. Escaped December 9, 1919 from Bagdad and recaptured in Toledo, Ohio, December 24, 1922. Transferred, Kilby to Banner.

Wounded in Escape.

Frank Cook, white, alias J. M. Cooley, convicted in Jefferson county, March 21, 1921, of robbery and given a life sentence. Attempted to escape by shooting out of man-way at Flat Top, September 20, 1921. Attempted to escape from Flat Top, February 5, 1922. Wounded while attempting to escape from Flat Top, November 10, 1922. Transferred, Wetumpka to Aldrich, to Kilby, to Flat Top, to Aldrich, to Banner.

ner.

Tom Gernell, white, convicted in Montgomery county, June 12, 1920, of grand larceny and given a sentence of from 5 to 6 years. Ex-convict. Escaped from Banner, November 19, 1922; recaptured December 4, escaped from Banner, May 1, 1923; recaptured August 24, 1923 in Mobile. Transferred, Aldrich to Banner, to Kilby, to Banner.

Charley Stogsdell, white, convicted in DeKalb county, September 2, 1923, of forgery and given a sentence of from 3 to 4 years. Escaped August 1, 1923 while in transit from Wetumpka to Kilby and recaptured August 24, at Eclectic, Alabama. Transferred, Kilby to Flat Top, to Kilby, to Wetumpka, to Kilby, to Aldrich, to Banner.

Hershel Smith, white, convicted in Talladega county, May 26, 1922, of burglary, and given a sentence of from 18 months to 2 years. Transferred, Kilby to Banner.

Robert Berry, negro, convicted in Jefferson county, April 18, 1903, of robbery and given a life sentence. At Banner continuously.

J. W. Carson, white, sent up from Escambia county, March 17, 1923, to serve a sentence of from a year and a day to a year and 2 days, following his conviction of grand larceny. Ex-convict at Texas state penitentiary. Transferred, Kilby to Aldrich to Banner.

Says Story Untrue.

Mr. Boyd was asked if he had read an article appearing in the press on Wednesday, sent out from Washington, D. C., and purporting to emanate from the Prison Relief Society, which stated that state convicts in Alabama did not receive the proper kind of food and alleged inhumane treatment of convicts.

Mr. Boyd stated he had read this article, adding, "there is not a word of truth in it."

Statements appearing in the article in question were said to have been taken from a letter to Governor Brandon. The Governor said Thursday he had never received such a letter.

Governor is Silent.

Governor W. W. Brandon said Thursday night he had no statement to make regarding the investigation by the Jefferson county grand jury into the mutiny of convicts which occurred at Banner Mine on September 10. No further comment has come from the chief executive bearing upon the investigation, since his letter of Wednesday to Solicitor James Davis, of Jefferson county.

In this letter he told the solicitor that the governor and not the solicitor is vested with full power and authority to furnish full protection to convicts, and that he, as governor, shall perform that duty regardless of "un-

fair propaganda and newspaper articles which make it difficult." The governor also served notice on the solicitor that he would not be permitted to usurp the prerogatives of the chief executive.

Governor Brandon stated Thursday, in connection with the Jefferson county solicitor's visit to Montgomery, Wednesday night when he held a conference with L. A. Boyd, president

of the state board of convict supervisors, that he did not send for the solicitor, did not confer with him and has received no communication from him.

LASH FOR WOMEN SHOWN IN REPORT

Montgomery Advertiser
Legislature Gets Chart of Whippings Received Under Former Administration

Not even white women were spared the lash in the Kilby administration. This is shown in the report submitted by the State Board of Convict Supervisors to the legislature. The report is signed by L. A. Boyd, President of the board and was submitted following a request from the legislature. It is shown in the report that during 1919, 1919, 1920, 1921 and 1922 numbers of convicts were whipped. Four of these years were under the administration of Governor Kilby.

It is shown in the report that whippings ceased in the Kilby administration along towards the latter part, or just before the former Governor was ready to turn over the reins to Governor Brandon. The report shows that the first month during which no whippings occurred was August 1922 and no other whippings took place under the Kilby administration.

The following is the report showing the whippings administered under a former administration.

Date.	No. Whipped
Aug. 1918	149
Sept. 1918	125
Oct. 1918	121
Nov. 1918	101
Dec. 1918	128
Jan. 1919	119
Feb. 1919	146
March 1919	181
April 1919	108
May 1919	84
June 1919	84
July 1919	104
Aug. 1919	111
Oct. 1919	99
Nov. 1919	126
Dec. 1919	97
Jan. 1920	122
Feb. 1920	97
March 1920	84
April 1920	71
May 1920	75
June 1920	73
July 1920	74
Aug. 1920	73
Sept. 1920	75
Oct. 1920	58
Nov. 1920	60
Dec. 1920	72
Jan. 1921	72
Feb. 1921	60
March 1921	66
April 1921	82
May 1921	79

RESTORE WHIPPING STRAP

Montgomery Advertiser
Alabama Jury to Investigate Revolt of Convicts Who Mutinied Mine.

MONTGOMERY, Ala., Sept. 18.—Alabama has returned the whipping strap to its prison system, members of the state convict board and Governor Brandon announced today.

Disciplining of state convicts by corporal punishment will be used when extreme cases demand such action, it was stated in a resolution adopted by the board of convict supervisors and announced this afternoon.

BIRMINGHAM, Ala., Sept. 18.—An announcement was made today by Solicitor Jim Davis that the Jefferson County grand jury will begin an investigation Thursday of conditions at Banner mines near Birmingham where state convicts worked by the Pratt Consolidated Coal Company revolted Sept. 10 and blew up machinery valued at \$10,000.

Solicitor Davis vigorously denounced secrecy maintained by officials regarding the Banner outbreak and declared he would summon all wardens and doctors before the grand jury.

"I shall particularly inquire into the labor required of the convicts, the task assigned to them and their fitness to perform the tasks," he said. "Medical treatment given the men will also be discussed by the grand jury. Food will also be a question before the body. Absolute protection will be given the convicts called from the camp to testify."

Burning of the blacksmith shop at 181 W. 9th camp, where county convicts are worked by the Pratt Company became known today.

Hot ashes left in the building caused the fire which occurred ten days ago, according to H. E. McCormack, vice president and general manager of the company.

Proposed abolition of the convict lease system has been a warm issue before the Alabama Legislature during the present session and members of the state-wide committee for the abolition of the system have been called to meet in Birmingham Thursday night to hear testimony regarding the Banner outbreak.

KENNETH WOOD IS EXPECTED TO BE CHIEF WITNESS

Nolen Rescinds Order for Appearance of Mine Prisoner Before Grand Jury but Subpoena is Issued

SOLICITOR UNABLE TO CONFER WITH GOVERNOR

Davis Answers Brandon's Letter in Which He Says Probe of Conditions Will Continue

A rumor which became current late Thursday night in connection with the investigation being made by the Jefferson county grand jury into the Banner mines mutiny, was to the effect that Judge James J. Mayfield, as Governor Brandon's personal legal representative, will challenge the right of the grand jury to subpoena convicts as witnesses.

The rumor was also to the effect that Judge Mayfield will be in Birmingham Friday, and that he will also challenge the right of the grand jury to require state officials to appear before the inquisitorial body in connection with the investigation.

BIRMINGHAM, ALA., Sept. 20.—Special to The Advertiser.—County Solicitor James G. Davis Thursday afternoon was preparing to issue subpoenas by order of the circuit court to several convicts at the Banner mines, including Kenneth Wood, who is expected to make a star witness for the grand jury for appearance before the grand jury Friday, to testify as to conditions at Banner mines.

Roy Nolen, member of the convict board of supervisors, for the appearance of Wood before the jury, and the statement that Governor Brandon would refuse to allow convicts to testify in the case.

Investigation was to be resumed by the grand jury at 9 o'clock Friday morning at which time, Roy Nolen, L. A. Boyd, Kenneth Woods and others will be brought before the body and will be questioned as to what they know of conditions at the mines.

Elated Over Findings.

Mr. Davis was very much elated Thursday afternoon over the findings so far, and promised information for the public of a sensational character as soon as possible.

Sheriff T. J. Shirley is in receipt of a letter from Governor Brandon presumably in connection with the chief executive's action on the investigation, although the nature of the message was not made public. Sheriff Shirley was in conference with the solicitor during the afternoon.

Solicitor Davis was requested to meet with the Governor in secret conference Thursday night, it was made known during the afternoon, following a long distance call from Montgomery, but up to a late hour, he had not left Birmingham, and information from his office was to the effect that he did not contemplate doing so.

ANSWERS BRANDON LETTER.

BIRMINGHAM, ALA., September 20.—In a letter of reply to Governor W. W. Brandon today Solicitor James G. Davis said that a grand jury investigation of conditions leading up to the mutiny of convicts at Banner Mines would be continued despite the statement of the governor that "you will not be permitted to usurp the prerogatives of the governor." The grand jury probe moved swiftly during the day and a number of witnesses were examined.

Solicitor Davis' reply to Governor Brandon is as follows:

"Your special delivery letter dated September 19 was received this morning. I hasten to assure you that I disclaim any purposes or intent to invade the precincts or usurp the privileges of your high office, or arrogate to myself, directly or indirectly any special prerogatives which the law intrusts to you.

"I trust that in the exercise of these prerogatives you will as honestly and faithfully perform your obligations to the state as I shall endeavor to perform my duties to the people of Jefferson county.

Refers to Code.

"Section 1286 of the code of Alabama makes it the duty of grand jurors among other things, to investigate violations of the criminal law relating to convicts and prisoners. Section 7293 makes it my duty to issue subpoenas calling all persons before them who can give testimony concerning violations of the law respecting convicts and prisoners at Banner Mines.

"I trust you will, upon reflection, court a full, fair and impartial inquiry by fearless and honorable men as to whether the law has in truth and in fact been disobeyed in this county. It has ever been, and is now my desire to cooperate with you in the discharge of our respective duties and I honestly hope you will cooperate with the Jefferson county judiciary and grand jury and in no way delay or impede the investigation of the Banner mines mutiny."

MACHINERY BLOWN UP BY MUTINEERS THREATEN GIBSON

Dissatisfaction Over Food and Medical Treatment and Lease

Abolition Agitation Given as Chief Cause

Montgomery GIBSON SEEKS TO PLAY

ROLE OF PEACEMAKER

Remain in Mines Throughout Monday Night; Transfer From

Aldrich Also Blamed

BIRMINGHAM, ALA., Sept. 15

—Special to The Advertiser.—Vigorously protesting against conditions, especially their food and medical treatment, five hundred state convicts in Banner mines Monday staged a mutiny. Information of the general strike reached here today.

Having its beginning with seventeen men, fourteen white men and three negroes, the strike assumed such proportions that before nightfall it embraced the entire convict personnel of five hundred men in the mines.

Threaten to Hold Gibson.

Appeals of Asa Gibson of the Pratt Consolidated Company, owners of the mines, who is held in particular esteem by the convicts failed to pacify the infuriated strikers, and during his visit the dynamiting of machinery, which had begun earlier in the day was continued. Some of the convicts demanded that Mr. Gibson be held as hostage inside the mines until the owners agreed to better their conditions.

It is generally believed that agitation for the abolition of the convict lease system and the transfer of certain convicts from the defunct Aldrich mines to Banner had much to do with the strike. Officials of the Pratt Consolidated and wardens at the mines believe that the complaint on food and health conditions were only incidental to the real cause of the strike. They declare that good, substantial food is furnished the convicts and that the medical treatment is all that could be desired, these features being under the supervision of the state convict department, which has general supervision of all convicts hired to the coal mining companies of the state.

Seventeen Leaders.

The convicts went into the mines Monday morning for their day's work

protesting against the food furnished and medical treatment given. The seventeen leaders were able to spread their propaganda against conditions until they influenced several hundred workers to join in a general protest.

Overcoming the officials in the mine they used dynamite to blow up a great quantity of machinery. When the time came to quit work in the afternoon they refused to leave the mine, remaining throughout Monday night.

Mr. Gibson was sent for during the day and entering the mine entreated with the men to become quiet. Their answer was the dynamiting of more machinery and a threat from some to hold Mr. Gibson as hostage. The more level headed of the convicts argued against this threat and the plan was abandoned on the promise of Mr. Gibson to use his influence to see what could be done for the men.

When the striking convicts came out of the mine Tuesday morning the seventeen leaders were whipped, according to Fred Cook, who declared Saturday that although an investigation of conditions had been promised there remained much dissatisfaction. Cook is serving a long sentence from the Jefferson county courts for highway robbery.

Tom Wiley, another convict who was interviewed by correspondents of the Birmingham News Saturday stated that the dissatisfaction was caused by poor food furnished and the lack of proper medical treatment. He also expressed the opinion that the movement for abolition of the lease system which reached the convicts through newspapers and transfer of convicts from Aldrich mines had something to do with enflaming the prisoners.

Transfer Figured.

Convicts working the Aldrich mines it is said, had little work to do and became dissatisfied when they were transferred to Banner mines, where the work is said to be greater and more burdensome. Cook was transferred from Aldrich mines Aug. 5, 1923, at about the time the general transfer was made.

Warden J. B. Evans expressed the opinion that the general agitation over abolishment of the lease system was the principal cause of the mutiny. He could assign no other reason for the strike, declaring that the men are furnished good food and that the medical treatment given was all that could be desired.

As a result of the troubles the mines have been worked only two days this week and then with a production of about 700 tons under normal. The mines will resume full operation of 1,700 tons daily next week, according to statement of officials. Birmingham reporters who visited the mines were given free access to the property and were permitted to interview the convicts.

As soon as the trouble became known the fact was communicated to the headquarters of the state convict department at Montgomery and J. A. Boyd, head of the convict department immediately rushed to the scene.

The mutiny this week is the third occurring at the mine within the past few years.

The convicts, while hired to the Pratt Consolidated Company, are entirely under the supervision of the state convict department.

WARDEN INDICTED IN LASHING OF CONVICTS

Commercial

J. B. Evans Accused of Assault and Battery.

Montgomery INQUIRY NOT AT END

Gov. Brandon, Who Forbade Jury's

Actions, Refuses to Comment on

Case—Evans Is Warden of the

Banner Mines.

10-4-23

(By the Associated Press.)

BIRMINGHAM, Ala., Oct. 3.—Although the Jefferson County grand jury which was discharged today returned an indictment against J. B. Evans, warden at Banner mines, for alleged assault and battery in connection with the mutiny of convicts on September 10, the grand jury investigation is not ended, according to Solicitor Jim Davis.

The grand jury in its report charged Governor W. W. Brandon attempted to impede the probe and urged that "our successors endeavor to clear up the matter." The solicitor renewed his declaration to go to the bottom of conditions at the mines if possible when a new grand jury is organized.

The solicitor's office stated that the judge at the trial of Warden Evans may order the appearance of convicts before the petit jury to testify if he desires. A writ issued by the supreme court prohibited state prisoners from appearing before the grand jury.

Brandon Declines To Talk.

Governor Brandon when seen by newspapermen declined to comment on the letter of the grand jury which called upon him to submit to the supreme court the question as to whether or not a grand jury has the right to enter a state prison and make investigations.

"I have not seen a copy of the grand jury report and I shall, of course be forced to withhold comment until a copy has been received," said Governor Brandon.

According to Harwell G. Davis, attorney general, Warden Evans will have to employ private attorneys to defend him. He said that it was not in the province of the attorney general department to come to the defense of officials and employees who are charged with criminal offenses.

While Warden Evans was in charge at Banner mines and after the outbreak of Sept. 10, leaders of the mutiny were given a total of 302 lashes, according to evidence offered before the grand jury.

AGITATION IN CONVICT CAMPS IS GENERAL, WRITER DECLARES

Steps to Bring About Strike at Kilby Prison Ended by Warden
When Alleged Leaders Were Transferred to Mines, Accord-
ing to Article in The Birmingham News—

BIRMINGHAM, ALA., Sept. 24—Special to The Advertiser—Agitation in convict camps is general while a plot was recently unearthed in Montgomery, according to an article prepared Monday for The Birmingham News by Leon W. Friedman, industrial editor. Steps to bring about a strike at Kilby Prison were ended by Warden John Harris sending the leaders into the mines it was asserted.

The article with its announcement that a spirit of revolt exists at all convict camps is as follows.

Agitation against the convict lease system in Alabama found its way into every convict camp in the state of Alabama, the newspapers carrying accounts of the efforts being made to abolish the system to remove convicts from mining camps and mining work and place them in prison, on farms, on roads, etc., being read daily and with glee.

To such an extent has this had its effect during the last four months convicts have been led to believe they are to be removed from all work of any kind, it is asserted, and as a result nothing short of revolt has taken place in practically all places it is said.

John Harris, former warden at the county jail in Birmingham, now warden in Montgomery, is reported to have discovered a plot to bring about a strike in that institution recently. Steps were taken to put it down in its inception, however, by sending some of the ring-leaders, many to Belle Ellen to the mines.

Reports have it that in the mines at Belle Ellen convicts became so unruly that it was almost impossible to prevent them from fighting among themselves and two men were killed, convict killing convict.

Before the 102 convicts were removed from the Aldrich mines of the Montevallo Milling Company the men went around the prison and destroyed property on all sides tearing down wiring, knocking out windows and otherwise damaging the premises so that it might not be used again as a prison.

It was decided among some of the men that there would be resistance to any and all work imposed on the men, no matter where they were sent. It was decided also that every effort would be made to escape. The records actually show that two men, one of them serving a sentence of 10 years, did jump from a train taking the men to various other points and that they have not as yet been recaptured.

Convicts passed the word down the line that there was no such thing as punishment except to be fed on bread

and water and that no fear need be held except when caught trying to escape.

The state convict board declines to verify these reports, but individual questioning in the places where the trouble is said to have arisen has developed the truthfulness of the assertions.

The report reaching The Birmingham News was to the effect that within the last few months not less than five convicts had been killed by convicts. Two of these were killed in Bell Ellen mines. Denial of this report, however, was made by authorities.

It was admitted that two desperate men had escaped by jumping from trains as the men were being transferred from the Aldrich mines but news of this has been published.

Wardens at every camp receiving some of the men from the Montevallo Mining Company's operations are said to have felt more or less the spirit of revolt. Until newspapers were stopped going into the prisons recently, the convicts were waiting anxiously an opportunity to make statements. It is said it is to be heard that some of the men had intended telling exactly what was going on in the way of urging revolt and that leadership of the plans would be named.

The report from various convict camps Monday was to the effect that the unrest which was being felt has about settled down and that operations are steady. At Banner mines the normal output of coal is being reached again and the convicts are working and at the same time waiting to see what the outcome of the agitation and investigations will bring about.

SECOND GRAND JURY TAKES UP FLOGGING

Solicitor Davis Announces That
Probe Will Go On; Anti-
Leasers Active

BIRMINGHAM, ALA., Oct. 1.—Special to The Advertiser.—Investigation by the Jefferson county grand jury into conditions held responsible for a recent mutiny of state convicts at Banner Mines was continued Monday, the body having been bound over by Solicitor James G. Davis, and will be taken up by a second grand jury to organize about October 15, according

to the solicitor. The recommendation that the probe be resumed by the new grand jury will be made by the present investigators, Davis announced.

New light was believed thrown on jail floggings prior to the Banner mines mutiny Monday, as Sam Renow, 19, of Yede, Ala., in Blount county, voluntarily testified before the grand jury. He told newspapermen that a prisoner having escaped from the mines where he was imprisoned, though a youth, he had been called before the warden and flogged by Warden Clay Gibson, of Flat Creek, after being accused of having a hand in the escape. He was then ordered back into the mines without having his wounds dressed, he told newspapermen and added that he had been practically confined to his bed after his release on July 5 because of the flogging.

Renow, who was confined at Flat Creek mines for a year and a day for grand larceny, stated that it was a common practice in the Flat Creek mines for prisoners to be whipped and beaten for the slightest offense, he said. The youth was the only witness to appear before the grand jury as sessions were resumed Monday morning.

The final report of the grand jury will not be ready until late in the week, Mr. Davis stated, as various cases taken up this week will have to be included.

ANTI LEASE MEETING OCT. 31
BIRMINGHAM, ALA., Oct. 1.—Special to The Advertiser.—Announcing that a "wonderful" organization throughout the state has been perfected by the state-wide campaign committee to abolish the lease system, a mass meeting to organize a permanent association for the establishment of a "modern and humane penal system in Alabama" was called Monday by Judge William E. Fort, chairman of the committee. The meeting will be held in Birmingham on October 31.

This invitation reads as follows: "We extend a cordial invitation to this meeting for the attendance of every man and woman whose character and patriotism rise above sordid considerations and who are willing to consecrate their time for a more scientific parole system, a more modern and effective penal system and a more just distribution of the funds derived from the convict's labor for the support and education of his dependents. To secure the above ends we need the co-operation of all the constructive and progressive forces of this state, in order to overcome the scheme and secret power of selfish interests."

Battle Broadens Lines
Continuing the report declares, "The present session of the legislature is over and the active efforts of our committee to secure a wiser and better penal system for the state must, likewise come to a close; but we send a message of courage and good cheer to friends of the cause throughout the state. Despite the legislature's refusal to consider a change and their defeat

of every measure tending to ameliorate or improve our laws in that regard, the people undoubtedly demand the overthrow of this discredited system and have expressed themselves in no uncertain tone.

"The battle must now broaden its line and embrace all those who strongly believe that prison conditions in Alabama demand improvement along general lines. This general movement must go forward without abatement until public sentiment becomes aroused and a better system is established."

PARDON BOARD SAYS NEGRO IS TO HANG

Clemency is Refused Negro Woman
Condemned on Murder Charge

Attorney General Harwell G. Davis and Secretary of State S. H. Blain, constituting a majority of the state board of pardons, denied recommendation for clemency in the case of Nellie Bestor, condemned Bibb county negro woman, in a report filed with Governor William W. Brandon, Monday. State Auditor W. B. Allgood, the third member of the board, recommended that the woman's sentence be commuted to life imprisonment. Nellie Bestor was convicted of the murder of her husband. The date for her execution has been set as Friday, August 10.

The complete text of the pardon board's recommendation, follows:

"The petitioner, Nellie Bestor, was convicted in the circuit court of Bibb county, of murder in the first degree, and sentence of death was given her.

"The facts shown in the file are that Nellie Bestor admits striking her husband in the head with an axe, as he lay asleep upon his bed. She then admits placing his body upon a fire at the hearth, keeping a blaze beneath it practically all night in an effort to have it consumed. Failing in this, she admits dismembering the body and throwing it piece by piece into a nearby creek, from which the body was recovered later. Officials matched the separate parts of the body, finally assembling it again, and recognizing it as the body of Smith Bestor, by certain peculiarities which were still evident about the charred fragments.

"Upon her arrest Nellie Bestor admitted the crime and still admits it. After her trial and conviction, and even after her case had gone through the supreme court, she had failed to implicate others. After the courts had rendered final judgments and as the day of execution drew near, Nellie Bestor made affidavit that her uncle, Ed Gant, was an accomplice in the crime. There was no way of proving this, and Ed Gant is yet at large. Her last story was to the effect that Ed Gant, her

uncle, induced her into illicit relations while she was yet a girl; that these relations continued until after she was married, and were later resumed; that at the command of Ed Gant, her uncle, whom she says she "loved better than any other person in the world," she decided to kill her husband.

"Ed Gant may have been an accomplice, or he may not have been. The eleventh-hour charge that he was, does not lessen the crime of Nellie Bestor. She admits striking her husband the first blow with the axe. She admits trying to cremate his body on an open hearth. She admits dismembering the body and placing it in a creek. A more horrible crime cannot be imagined. Even if Ed Gant should be guilty, his guilt would not condone Nellie Bestor's crime.

"After having carefully considered all matters contained in the file, and after having carefully read the transcript of evidence in the supreme court record, it is our opinion that the pardon board should not interfere with the sentence of the court, and therefore any recommendation of clemency is hereby denied.

"HARWELL G. DAVIS,

"Attorney General.

"S. H. BLAIN,

"Secretary of State.

Allgood's Opinion

"Petitioner was a very young woman at the time of the commission of the crime. She had been under the influence of her uncle, a man much older than herself, and with whom she had lived illicitly for seven or eight years. After a close investigation of the file in this case, I believe Ed Gant, the uncle of the girl, was the instigator, and this girl the instrument of the crime. Ed Gant has never been prosecuted for this offense. The officer who worked up the case declares it to be his opinion that petitioner is of unsound mind at times, at least of very limited mentality.

"Scores of citizens who have known this negro woman appeal for commutation of her sentence, declaring that she has always been a peaceable, obedient, faithful girl. The sheriff, chief deputy sheriff, superintendent of education, circuit court clerk, the mayor and postmaster of Centerville and other officials appeal for commutation of this petitioner.

"According to my information, a woman has never been hung in this state since the Civil War, and I do not want to go on record as being responsible for departing from this custom. I therefore recommend that the petitioner's sentence be commuted to life imprisonment.

"W. B. ALLGOOD,

"State Auditor."

ANTI-LEASE FORCES ORGANIZE MEETING

Montgomery
Battle Carried to Alabama
Who Believe That Prison
Conditions Need Change

BIRMINGHAM, ALA., Oct. 2.—The statewide anti-leasing committee today launched a campaign to rid Alabama of every vestige of the present system of convict leasing by promulgation of modern laws and regulations.

The first step was calling a meeting at Birmingham October 31 when definite plans will be mapped. Invitations to this meeting have been extended to "every man and woman whose character and patriotism rise above sordid considerations", and are willing to cooperate in bringing together "the constructive and progressive forces of the state in order to overcome the schemes and secret powers of selfish interests."

The call was signed by Judge William E. Fort, of the Jefferson county circuit court, as chairman of the statewide committee. Another member of the committee is Mrs. Solon R. Jacobs, second vice-president of the national league of women voters.

Text of Statewide Call

The call to the people reads in part: "Our committee was organized for the specific purpose of conducting a state-wide educational campaign for the abolishment of the lease system by the present legislature. We have presented this cause faithfully, by petition and through the press, and have succeeded in establishing a wonderful organization throughout the state for the future. The present session of the legislature is over and the active efforts of our committee to secure a wiser and better penal system for the state must likewise come to a close; but we send a message of courage and good cheer to friends of the cause throughout the state. Despite the legislature's refusal to consider a change and their defeat of every measure tending to ameliorate and improve our laws in that regard, the people undoubtedly demand the overthrow of this discredited system and have expressed themselves in no uncertain tones. The battle must now broaden its line and embrace all those who strongly believe that prison conditions in Alabama require improvement along general lines. This general movement must go forward without abatement until public sentiment becomes aroused and a better system is established.

Meeting in Birmingham, October 31. "Looking to this end and to the broadening and strengthening of the organization already perfected, our committee feels authorized and does hereby call a meeting to be held in Birmingham, Alabama, October 31, at a place to be later announced, the purpose of this meeting being to organize a permanent association for the establishment of a modern and humane penal system in Alabama. This new organization must have representatives from every precinct in the state. We therefore extend a cordial invitation to this meeting for the attendance of

every man and woman whose character and patriotism rise above sordid consideration and who are willing to consecrate time and effort to the establishment of a more scientific parole system, a more modern and effective penal system and a more just distribution of the funds derived from the convicts' labor for the support and education of his dependents. To secure the above ends, we need the cooperation of all the constructive and progressive forces of the state, in order to overcome the schemes and secret power of selfish interests."

Grand Jury Report Ready.

BIRMINGHAM, ALA., Oct. 2.—Finishing touches to the grand jury report on the Banner mine mutiny were being given today and the report will be made public tomorrow, Solicitor Davis announced today.

With the approval of the report, the present grand jury will pass into history. A new one will be organized on October 15 at which time the investigation will be resumed, according to Mr. Davis.

No other witnesses will be called before the present jury, according to Solicitor Davis, but will appear when the next one is organized.

"I have not finished with the probe, in fact, have just started. I expect to keep the next grand jury busy with the investigation, and there will be no let up until the whole thing is cleared up," Mr. Davis declared.

INDICTED WARDEN ADMITTED TO BOND

Montgomery
Testimony of Banner Mine Convicts Will be Given at
Officers Trial

BIRMINGHAM, ALA., Oct. 3.—Special to The Advertiser.—Bond for W. A. Evans, warden at Banner mine, who was indicted on charges of assault and battery and assault with a weapon was set at \$500 Thursday.

Testimony of convicts, which was denied the grand jury in its probe by orders of the state convict department will be obtained in regard to conditions at the mines when the case against Evans comes up for trial. Encouraged by this apparent victory over officials who sought to withhold the testimony of convicts, Solicitor Davis is preparing for the investigation of Banner Mines conditions by the new grand jury to be organized October 15 in accordance with a recommendation of the probe jury which ended its investigation Wednesday.

Solicitor Davis declared that he would probably go to Montgomery sometime during the coming week in connection with the investigation, but refused to discuss whether he will go before the supreme court. However, should Governor Brandon not request that the supreme court render a decision on the rights of county grand juries to probe state convict camps, as asked of him by the Jefferson County grand jury. Davis will then go before the court. It is anticipated.

DENUNCIATION OF GRAND JURY PROBE GIVEN BY SENATOR

Montgomery
Declares People Supporting Investigation at Banner Mine
Bolsheviks or Mis-guided Persons"

REPORT OF WHIPPINGS KILBY REGIME ADOPTED

Twenty-Six at Speigner Flogged for Participating in Strike at Cotton Mills

Declaring that the people who are supporting the present investigation into convict camp whippings at Banner mine are "bolsheviks, or else misguided and misinformed persons," and terming the activity of Solicitor Jim Davis of Jefferson county and the recent utterances of former Governor Kilby as an "indignity of a certain solicitor and certain gross and malicious indignity of a former governor," Senator George Randall of Bibb Friday afternoon delivered a scathing denunciation of all who have been identified with or in sympathy with the present probe of the Jefferson county inquisitorial body.

Senator Randall's address was made to the point of personal privilege, immediately after a report from the board of convict supervisors dealing with the whippings administered during the Kilby regime, had been read in the Alabama Senate Friday afternoon and adopted by that body.

Although the senate and house heretofore have carefully avoided any discussion of the convict situation in Alabama until the date has safely passed for changing the convict system the demonstration in opposition to the grand jury action and in favor of Governor Brandon and the board of convict supervisors did not create a surprise when it developed late Friday afternoon.

Last Tuesday afternoon Senator Randall introduced a joint resolution authorizing the board of convict supervisors to make a record of the con-

vict punishments meted out in the last four administrations and to deliver the same to the legislature.

Calendar Cleared

After the upper house had completed its calendar the report was delivered to the senate and read.

The report stated that all records of convict whippings and other punishments prior to Aug. 1918, were not available. However, a complete record of this punishment administered during the Kilby administration was included in detail.

The report in effect set out under Exhibit "A" that at Banner mine, Dec. 1, 1920, three convicts were whipped for cursing men on strike, and that the whipping was administered by the chaplain of the state convict department.

Twenty-Six Flogged

The subsequent Exhibit stated that at Speigner, March 17, 1922, 26 convicts were flogged for participating in a strike at the cotton mills and general insubordination. The section also specified that during the four years from Aug. 1918, to Aug. 1922, a total of six white women convicts had been whipped.

Exhibit "C" recapitulated in detail the number of punishments. The report stated that in the eleven months ending June 30, 1918, 1,346 convicts had been whipped; in the subsequent year 1,164 had been punished, while in the year ending June 30, 1920, \$35 and a boy by the name of Toleson had been administered the lash. The final year tabulated was for the period ending June 30, 1922, when it was stated 901 convicts were administered corporal punishment.

Thereafter Senator Randall began his speech against the solicitor of Jefferson county, the Jefferson county grand jury, former Governor Kilby and everyone else who were in support of the present grand jury investigation.

"As a layman", he asked, "is it the real function of the court or someone who desires to flirt with the galleries and play with the fickle hand of bolshevism, to attempt to usurp the prerogatives of our chief executive?"

Prohibition Record

Referring to Governor Kilby, he termed his recent action in decrying the return of the lash as "littleness and total lack of dignity." Senator Randall also cast a slur on the prohibition record of the former governor of Alabama and reiterated his charge that those supporting the grand jury investigation are a "wicked and nefarious group of bolsheviks, aided by a few misled and misguided souls."

"Thank God for Plain Bill Brandon and a convict board which has a heart," senator Randall exclaimed in conclusion.

To Print Report

Prior to Senator Randall's address, the senate adopted a resolution authorizing the printing and circulation of 1,000 copies of the convict board's report. The document, however, was altered on protest of Senator Jones of Barbour and Brower so as to clearly specify that the records did not show any whippings after June 30, 1922, when former Governor Kilby, by official mandate, had abolished the lash as punishment.

After Senator Randall had completed his address, Senator Jones arose and strongly defended the rights of the Jefferson county grand jury to investigate the Banner affair, and also voiced emphatic disapproval of the attack on the character of Ex-Governor Kilby.

As he was in the midst of the de-

bate, a coterie of administration sympathizers, led by Senator Randall, prevailed on a number of senators to leave the senate chamber in order that no quorum point could be raised and the floor taken from the speaker. They were successful in their efforts and shortly afterward the upper house adjourned for the dinner hour.

THREE WHITE BOYS IN NEGRO AFFRAY

Montgomery
Disturbance by Whites in Colored Church at Mt. Nebo May Have a Fatal Ending

Advertiser
Advertiser Bureau,
Troy, Alabama,
By J. A. Boyd.

TROY, ALA., July 27.—Special to The Advertiser.—News has reached Troy of a serious cutting affray at Mt. Nebo, a colored Baptist church in the Paran-Oak Grove settlement. The negroes were having services of a protracted meeting and three white boys, Turrey Shipman, Otis Freeman and a boy by the name of Toleson, were creating a disturbance in front of the church.

One of the negroes, Cicero Jones, went out and invited the boys into the church, telling them that they always reserved seats for their white friends. The boys accepted, but after being seated in the church began smoking cigarettes, laughing and talking and disturbing the worship. Jones remonstrated with them and one of the boys became enraged and stabbed him five times, once in the side, once in the stomach and three times in the back.

Dr. Reynolds, of Brundidge, who dressed the wounds, stated that the negro has only a slight chance for recovery.

OLIVER DISCUSSES CONVICT LEASING

Montgomery
Congressman Asks Tuscaloosa
Audience to Support Governor
Who Will Find Solution

TUSCALOOSA, ALA., Aug. 1.—Discussing the Philippine situation and the obligation the United States has in establishing self-government there, Congressman Oliver mentioned the progress the islands have made in their penal system and incidentally touched upon Alabama's convict lease problem in speaking before the Kiwanians here today.

The Congressman paid a tribute to Governor Brandon's sympathy in solving the problem, urged that the people of the state support the governor in solving the problem, and expressed the hope and belief that the governor

would find a way to remove the system with which the people of Alabama have expressed disfavor.

BRANDON'S ORDER FAILS TO BLOCK PROBE OF PRISON

Solicitor Ignores Edict of
Governor and Grand Jury
Proceeds to Take Testimony. 9-21-23

Montgomery, Ala., September 20.—Governor Brandon tonight maintains the silence that has marked today's development in the proceedings of the Jefferson county grand jury's investigation into conditions existing in Alabama's prison camps—an investigation that the governor last night warned the solicitor against holding.

What the next step of the state will be in connection with the special session of the grand jury in Birmingham has not been divulged, the governor merely saying tonight when asked for a statement: "I have nothing to say tonight, maybe tomorrow."

The grand jury hearing which grew out of mutiny among leased prisoners of the state at the Banner coal mines near Birmingham on September 10, is fully under way in Birmingham, although a letter to Solicitor James G. Davis, of Birmingham, announced last night, quoted the governor as saying that the Jefferson county grand jury was not vested with the authority to investigate the conditions of which he was chief supervisor, and that he alone stood accountable to the state senate.

To Obey Subpoena.

L. A. Boyd, head of the state department of convict supervisors, today said that he had been subpoenaed to appear before the Jefferson inquisitorial body and that he would go to Birmingham tomorrow for that purpose. Mr. Boyd was present with a physician of the state when the prisoners were flogged following the mutiny, he told Governor Brandon at the time. He took full responsibility for having corporal punishment inflicted although it had been banished previously by executive order and has since the incident been restored in the same manner.

The governor's office was today the scene of considerable activity with a contest between the executive and

conference this morning attended by Attorney General Harwell G. Davis, Convict Supervisor Boyd, and members of the legislature.

Both houses of the legislature today passed a resolution commending the stand of the governor and deploring agitation by certain newspapers and poorly informed persons in the stateability for the whipping of the alleged leaders in the mutiny.

Governor Brandon tonight said that he had not invited Solicitor Davis to come to Montgomery for a conference and added that he did not see the solicitor, who was in the city last night.

NEWSPAPERMEN GET SUMMONS TO TESTIFY.

Birmingham, Ala., September 20.—(By the Associated Press.)—Solicitor James G. Davis will proceed with his investigation of conditions at Banner mines in spite of Governor William W. Brandon's letter of yesterday, in which the executive said an inquiry would not be tolerated, as sole authority in governing convicts rested finally with the governor of the state. Mr. Davis left Montgomery at 5 a. m., and upon arrival here went directly to his office to prepare for the opening of the grand jury.

The solicitor began issuing summonses for newspapermen, who interviewed convicts at the mines following an outbreak on September 10.

Mr. Davis also called for files of newspapers containing first and subsequent accounts of the mutiny. In the newspaper accounts of the trouble at the mines, convicts were quoted as saying tasks were impossible, food was poor and men were forced to work when ill. Convicts were also quoted as saying they were whipped.

Governor Brandon last night wrote Solicitor Davis that he must not usurp the governor's prerogatives in an investigation such as the solicitor proposed.

Hold Conference.

After he had written the solicitor, Governor Brandon called Mr. Davis to Montgomery and a conference lasting well into the night took place. Mr. Davis' statement this morning was understood to mean that he intended to proceed in face of the governor's warning that he must call off the inquiry.

The solicitor's action, it was stated, is based upon sections of the criminal code which read:

"It shall be the duty of the president and other inspectors to report all violations of the law in regard to convicts that may come to their knowledge to the proper solicitor; and all indictments of same shall be tried in the circuit court, or court of like jurisdiction, of the county where the offense was committed."

"Solicitors have authority and it is their duty in term time or in vacation, to issue a subpoena for any person whom they may desire to appear before the grand jury to give evidence of any violation of the law."

Clear-Cut Contest.

Legal observers were watching developments in the controversy between the governor and solicitor which they said had apparently resolved into a contest between the executive and

judiciary branches of the government. Solicitor Davis announced that he intended to summon President L. A. Boyd, of the board of convict supervisors, who investigated the Banner mines strike and made formal report to the governor. In his report Mr. Boyd said he "assumed full responsibility for the whipping of the

legged leaders in the mutiny. Among those subpoenaed were two camp physicians, the warden and deputy warden and three Birmingham reporters, who were assigned to cover the strike story.

Tom Wiley and Fred Cook, white convicts, who discussed the strike with reporters at the mines, were also subpoenaed, Mr. Davis announced.

Welfare Workers Present.

Members of the state-wide anti-leasing committee who carried the fight to abolish convict leasing in Alabama before the legislature, were present to appear before the grand jury. Welfare workers who had visited mines of the district were said also to have been on hand.

While the investigation proceeded behind the closed doors of the grand jury room, it was indicated by attaches of the solicitor's office that the inquiry was in connection with conditions which are alleged to have led to

"SHREVEPORT SARAH" OUT ON APPEAL BOND OF \$500

Montgomery Advertiser
Celebrated Mobile Prisoner Completes
Ninety-Day Sentence for Vagrancy.

MOBILE, ALA., September 1.—Special by Leased Wire to The Advertiser.—The celebrated "Shreveport Sarah," whose parole from a three and a half year penitentiary sentence was revoked by Governor Brandon, after an indignation meeting by the League of Women Voters here and representations to the governor on the long police record of the woman, was today released from the court on a \$500 appeal bond. The bond was made by the National Surety company through the woman's attorney. "Shreveport Sarah" was sentenced to ninety days on a charge of vagrancy imposed by the inferior criminal court simultaneously with her release. Her case has been carried to the court of appeals.

INSANE BIRMINGHAM NEGRO KIDNAPS 8 YEAR OLD BOY

Montgomery Advertiser
Child Found in Woods With Cuts on
Throat

BIRMINGHAM, ALA., Aug. 30.—Police believe an insane negro was responsible for the kidnapping and mistreatment of McDuff Cain, eight years old son of J. B. Cain, who was today recovering in a local hospital from slight knife wounds about the face and throat inflicted by a negro who kept the child in the woods all night.

One negro arrested and carried to the hospital for identification was released.

Shreveport Sarah Has Parole Revoked

Montgomery Advertiser
Governor William W. Brandon, early Friday revoked the parole issued Wednesday afternoon to Sarah Wilson, alias Sarah Summers, sometimes known as "Shreveport Sarah." The woman, who is a prisoner in the Mobile county jail, was given a sentence of from 3 years to 3 years and 6 months, by the Mobile circuit court, following her conviction of a statutory offense, March 8, 1923.

Governor Brandon's order revoking the parole stated that his action was for good and sufficient reason. The woman was never released from the Mobile county jail, the executive order revoking the parole granted, being transmitted to Mobile county officials before the parole reached there. She will be brought to Wetumpka, Ala., Saturday for commitment to the state prison for women located there.

CONTEMPT LAW TO BE USED IF JURY BARRED FROM MINE

Montgomery Advertiser
Davis Threatens Citation Against
Boyd, Nolen and Supervisor

of Banner Plant if Inspection Prevented
Advertiser
ANNOUNCES VISIT FOR
JURORS DURING PROBE

Jefferson Solicitor Seeks Legal
Methods to Authorize Visit,
He Says in Statement

9-27-23
BIRMINGHAM, ALA., Sept. 26.—Special to The Advertiser.—Should the members of the Jefferson county grand jury probing conditions at Banner mines be refused admission to the mines the convict supervisor at Banner mines will be cited for contempt.

This was indicated in a statement of Solicitor James Davis following a visit of the grand jurors to various Jefferson institutions today. He indicated that L. A. Boyd, president of the state board of convict supervisors, and Roy S. Nolen, associate member, would also be cited for contempt in this

event.

To Visit Mutiny Mine.

Solicitor Davis stated that the grand jurors would be taken to Banner mines one day this week when a legal test of their right to enter the mines and question convicts would be made if necessary. The next step will be to see whether or not admission to Banner mines will be denied the jurors.

Whether Governor Brandon is to be summoned before the grand jury is a step which Solicitor Davis has not decided. Further evidence will be taken Thursday, but Solicitor Davis would not indicate tonight the program of the jury after noon tomorrow. Solicitor Davis denied that the probe was nearing an end and declared that every legal means would be resorted to in an effort to secure the testimony of convicts at Banner mines.

Opposition of state convict officials to testimony of Banner mines prisoners today resulted in abandonment for the time being by County Solicitor James G. Davis of his announced visit with the Jefferson county grand jury to the scene of the recent Banner mutiny. The jury was on a tour of county institutions but was not to include the mines, it was learned.

The writ of prohibition obtained by L. A. Boyd, president of the convict board, preventing Davis from bringing four convicts in the mutiny before the grand jury, was said to be applicable to interrogating those or other convicts at the mines. In addition to this, prison officials announced jury admittance despite protests by Davis that the county inquisitors had the right to investigate state prisoners. Declaring the 30 mile trip and return to be without assurance of result, Davis temporarily abandoned the plan.

Woman Tells of Whipping.

While on the tour of county institutions, the grand jurors, it is said, heard a tale of cruelty from Viola Williams, negro, formerly held at Keetona. She had been whipped four times, she stated, the last for writing a letter to the board of revenue protesting against conditions.

This whipping was two weeks ago, and consisted of 18 licks, she said. Warden Dodson, who the woman charged has administered the floggings, has been discharged. She had been whipped once for cutting a watermelon without permission, she asserted.

BIRMINGHAM, ALA., September 26. By The Associated Press.—The Jefferson county grand jury's inquiry into conditions at the Banner Mines where a strike took place on September 10, was today broadened to include other camps in the county.

The jurors visited and inspected Keetona and Trussville camps where county convicts are employed. At these places convicts and former convicts were questioned.

Solicitor Davis announced that he had received official advices that he would not be permitted by the board of convict supervisors to visit and question prisoners at Banner in connection with the alleged mutiny and subsequent flogging of leaders, and that for the time being the grand jury had been balked. The solicitor said he was "figuring on legal methods to

to continue the inquiry at Ban-

Solicitor Davis said that the Banner mines were private property owned by the Pratt Consolidated Coal Company and he believed the grand jury had the right to inspect the premises. A writ of prohibition granted by the supreme court prevented the solicitor from calling Banner convicts before the body and state officials held that the order stopped the solicitor in his attempt to interrogate the convicts at the mine.

The solicitor announced his intention of continuing his efforts until "all the facts have been arrived at."

ROY NOLEN RETURNS
Roy L. Nolen, associate member of the state board of convict supervisors, returned Wednesday from Birmingham, where on Tuesday, he testified before the Jefferson county grand jury now engaged in an investigation of the recent mutiny of state convicts at Banner mines.

"I was cordially received by the solicitor and grand jury of Jefferson county," Mr. Nolen stated, referring to his trip to Birmingham. Asked concerning reports appearing in the press to the effect that he was forced to appear before the Jefferson county grand jury and that he had violated his promise to the Jefferson county solicitor, Mr. Nolen said: "My lawyer will attend to that."

CONVICTS EVINCE SIGNS OF THRIFT

Monthly Reports Show Amount to Credit of Each Prisoner

Carefully Made
That inmates of the Alabama penitentiary are being taught the value of thrift is evidenced by the amount of money deposited with the warden at the several prisons, the total being more than seven thousand dollars at the end of October. Deposits and withdrawals of prisoner's money are made almost every day and all withdrawals are under the immediate supervision of the warden.

Monthly reports, showing the amount to the credit of each prisoner both at the beginning and at the end of the month so that comparisons may be made easily, are required to be made by the warden at each prison to Roy L. Nolen, associate member of the state board of administration.

A few prisoners have small amounts of money when received into the penitentiary, and sometimes receive contributions from their relatives and friends, yet the greater part of the deposits are the result of voluntary work in making extra shifts in the cotton mills and mines and at other work. Extra shifts made in the mines have netted the convicts an average of more than \$4,000 per month for the last several months, and much of this money is sent to relatives and dependents.

While most of the deposits are for less than one hundred dollars, there are several in excess of two hundred and a few amount to as much as three hundred dollars. Not a few of the inmates who make money for themselves spend it as soon as it is paid to them.

Prisoners' money in the hands of the wardens is redeposited in banks and is protected by ample surety bonds of the wardens in authorized companies.

Stores in which only nominal profits are permitted to be charged are operated in each of the prisons for the convenience of the inmates. The profits from the operation of these stores are paid into the state treasury and are used to pay for books, athletic equipment, picture shows, and other amusements for the instruction and diversion of the inmates.

PERMIT LASH ONLY IN EXTREME CASES

State Board Adopts Resolutions Permitting Whipping on Special Order of Body

Disciplining of state convicts in Alabama by corporal punishment will be used only in very extreme cases and then only when life and safety of others and the preservation of property is placed in jeopardy. This form of punishment is to be abandoned, however in so far as is possible.

On September 11, the state board of convict supervisors adopted a resolution making this provision. The resolution was made public Tuesday afternoon by L. A. Boyd, president of the board.

It stipulates that corporal punishment is to be resorted to only upon a special order of the board in each individual case, and is to be administered only in the presence of a member of the board or the physician inspector and in the presence and under the direction of a physician.

Text of Resolution.
"Whereas, the State Board of Convict Supervisors is desirous of using every possible method for the reformation and safety of convicts, and that those convicts who are confined be given every opportunity for such reformation, which is compatible with the safety of themselves and other fellow convicts,

"Now Therefore, Be it Resolved by the Board of Convict Supervisors that in carrying out these provisions all corporal punishment be abandoned or discontinued as far as it is possible, that it be used only in very extreme cases and in those only when life and safety of others and the preservation of property are jeopardized; that it shall be resorted to only when ordered by the Board by a special order for each specific case, and shall be administered and inflicted only in the presence of a member of the Board, or the Physician Inspector, and in the presence of and under the direction of a physician."

Convicts of State Paid Great Amount During Past Month

Exceeding the record sum paid to state convicts for extra work in July, prisoners of the state penitentiary were paid almost six thousand dollars in the month of August. These figures are from records in the office of Roy L. Nolen, associate member of the state board of convict supervisors.

The exact amount paid to prisoners at the mines for extra work done and for extra coal loaded during the month of August was \$5,723.52. This is more than \$700 increase over the amount paid in July, the figures for that month being \$5,017.86.

A number of the prisoners made more than \$25. each for themselves during the month. This extra money is either saved by the convict for the day when he goes free, sent home to relatives, or spent for delicacies.

NEGROES BLAMED FOR AXE ATTACKS

Time To Wake Up, Says Man Who Lost Mother And Sister.

"It takes something terrific sometimes, to wake a person up," said A. M. Romeo, whose mother, Mrs. Elizabeth Romeo, and sister, Mrs. Juliet Vigilant, were killed by Birmingham's latest axe murderer last Monday night, Oct. 22. "I have gone along just as thousands of other citizens have gone along, not realizing the paramount problem here in Birmingham, and the conditions that face us.

"The main thing we need is a larger police force; more cooperation with the officers of the law, and a better enforcement of the law up in the courthouse.

"I will venture to say that in the last two years there have been at least ten murders committed around in the vicinity of where I live—negroes mainly—but there has not been a conviction, and some of these people are walking the streets today, bragging about how they could get a good lawyer and get out of it. The juries are not sufficiently impressed with the necessity of punishing these criminals. Whether it is political influence of what, some of

these lawyers can get almost any of the accused off.

"That sort of thing breeds crime. Others criminally minded learn they can 'get away with it' and they become more bold—and thus the thing grows.

Conditions Becoming Very Bad.
"I never saw the like of young criminals in my life; young vagrants, white and colored. Nearly all of them are carrying these long, switch-blade knives, and usually a cheap gun, too; and the negro women almost invariably are packing switch-blade knives. I believe in going to the bottom of things—why is it so easy for criminally minded to obtain weapons of the sort?

"And the amount of actual vagrancy in Birmingham is almost unbelievable; loafing whites and blacks, especially youngsters. The situation of Birmingham is bad. I know; we get all the petty criminals from small communities of the state. When it gets too hot for them in Troy or Greenville or Livingston or Castleberry or some other place, they light out and lose themselves in the negro underworld here. Then, too, we invariably get the convicts whose terms have expired in the mines. They gravitate right here. And what is said about the negro undesirables, goes for whites also, from all over the state. It is the penalty for being a big city.

"The thing is getting worse all the while; more of these vagrants and criminals are coming in here, living by their wits, stealing and peddling liquor, burglarizing and sneak-thieving; being supported by some cook who 'totes the pan' carrying food home, and by parents supporting their boys in idleness.

"I am not criticising the police or the sheriff's forces; I am merely trying to make the people of Birmingham realize what these officers of the law are up against, with the 52 square miles of territory to cover. We have a magnificent police force, and the wonder to me is they do as well as they have—but I want the business people and taxpayers to realize the dangers that face us, and give us more of a force to cope with the rising tide of violence and criminality. The present force is pitifully inadequate—but amazingly effective.

Says Menace Here Now.

"If this sort of thing keeps up in three more years it will be dangerous to walk the streets at all; and each man must convert his home into an arsenal and be on guard day and night. Coming here and finding a fine field in which to operate, with a police force worked to the limit of human endurance, and not able to look after mere vagrants and potential criminals, these people are constituting a larger and larger colony in Birmingham.

"The civic clubs, the Chamber of Commerce, the business men and the taxpayers generally do not realize the danger that hangs over this community. Some of these characters watched and waited for the chance, and for the first time in a long time that my brother-in-law was away from home at night—in come these criminals and murder my dear old mother and my sister. Whose mother, sister, father or husband will be next? The criminals are here!

"What avail is the money spent on parks and playgrounds and auditorium, and what not, if one's very life is unsafe, because there is not a sufficient force to hold these criminals in check?

"Yet, the community goes on, careless and unheeding, because most of the victims are of no very great social or business importance—and life becomes more unsafe, day by day, in Birmingham because more and more of these

vagrants and criminals have comfortably settled down here.

"We seem to be able to keep close tab on the blind tigers and disorderly houses, but there is not and cannot be a close tab kept on vagrants and ex-convicts settling in here. They are the potential criminals. They are setting back, just waiting for a chance—for an opportunity to strike. They waited until my brother-in-law went out—and struck down two women and committed robbery. They are just waiting other opportunities.

"There should be enough men on the force to put a dragnet over this city and seine out every loafer and vagrant. The ex-convicts from the mines should be told to get out of here—they never reform. The loafing white boys should be punished and put to work—but all that cannot be done with the miserably inadequate force of police.

Says Axe Murders Negro Crime.

"I do not take any stock in the idea that these crimes are committed by any but negroes, of this loafing, drifting class. And it is a serious mistake to say that the small Italian storekeepers are hoarding money. I will venture to say that 75 per cent of these people are paying notes for property they have bought, and don't have a chance to hoard; and the others have learned to bank their store receipts. Nor do I think it is a black hand affair. I am an Italian by birth—raised here since I was 6 years of age, went to schools here, and I know the Italian colony. The Italians have become too much Americanized to submit to blackmail. Only one case of that sort occurred here recently, and the man sought to be blackmailed went to the police and the fellow who attempted it is doing time in the penitentiary.

"Nor have these attacks been confined to Italians and Greeks; at least four have been on Americans. They are being committed by negro criminals."

GOVERNOR BRANDON DECLARES PRESENT CONVICT PLAN BEST

Reviews Conditions in Working Camps and States
Policy as Standing by System as Good or Bet-
ter Than Any Other Plan That Has
Been Suggested by Others

By ATTICUS MULLIN

Governor William W. Brandon will stand by and support continuance of the present system of the working of convicts in Alabama.

In an exhaustive statement given to the public Saturday Governor Brandon reviews the present system and conditions and declares that it is his opinion that it is better both from the point of human welfare and administrative economy than anything suggested by those who oppose the so-called "lease" system.

Alabama convicts while at work and at rest are under the supervision of and control of the state. These convicts are not in any sense under the supervision or control of the mining or lumber companies which contract for their output. This is the assertion of Governor W. W. Brandon who this morning gives to the public of Alabama a statement regarding the convict system in Alabama.

The phrase "convict lease system" is a misnomer according to Governor Brandon. There is no such thing as leasing of state convicts in Alabama according to his statement. The technical term of "hiring" is incorporated in the contracts with the manufacturing and mining companies for the purpose of making these companies liable under the law for any injuries to convicts. It does not in any sense give them control over the convicts, according to the governor's statement.

There are sixty-nine more occupations in Alabama rated as more hazardous than under-ground coal mining according to Governor Brandon. He cites the latest manual of the National Council of Workmen's Compensation as authority for this statement. Among common occupations more hazardous than coal mining are carpentry, cotton ginning, cotton seed oil making, bridge concrete work and farm machine operation.

Earn Extra Money
Convicts in the mines of Alabama

earn more than \$50,000 extra each year according to Governor Brandon. They earn this sum after finishing their daily task which the governor says is not a heavy one. He says convicts in the mines work shorter hours than those engaged in any other sort of work. He says they enjoy as good health and are equally as contented as convicts in other lines of work.

Convicts working in the mines during the month of April numbering 1,425 netted the state \$67,269.54 which is at the rate of \$807,234.48 net per year. Convicts working in the lumber industry in April netted the state \$5,173.67 which is at the rate of \$62,084.04 per year, making a total net per year to the state of \$369,318.52.

Convicts working in other lines for the state caused a net loss of \$14,522.91 during April, or at the rate of a net loss of \$174,274.92 per year.

Governor Brandon takes up the method of taking care of convicts working in the mines and in the lumber industry. He maintains they are well treated, well kept, healthy, contented and entirely under the care and control of the state.

Governor's Statement

The statement of the governor in full follows:

"Before taking its recess, the legislature of Alabama last January passed a bill which was approved by me and which extended to time under which it would be unlawful to work convicts under contract from December 31, 1923, to March 31, 1927. There was little opposition to this measure.

"However, the recent reported death in Florida of a young white convict alleged to have been caused by a severe whipping received at the hands of those by whom he was hired as a convict has seemed to cause bitter criticism in some parts of our state over

the policy of the state in working its convicts in coal mines under what these critics term the "lease system."

"It is evident from the character of this criticism that the real conditions and circumstances under which Alabama convicts are worked in coal mines by the state are unknown to many of the citizens of this state, and I deem it proper at this time to outline briefly the facts.

"The total average daily number of state convicts in Alabama in the month of April of this year was 3,030. Of these, 1,425 were engaged in and around coal mines.

Present Contracts

"The present contracts under which convicts are worked in coal mines were entered into as late as September, 1922, during Governor Kilby's administration, by Hon. C. B. Rogers, as chairman of the board of control and economy, with the written approval of Governor Kilby. These contracts are renewals of similar contracts made by the same officers in December, 1919, and the pay to the state is the same price paid to free miners for mining coal.

"In the main all of the present contracts embody practically the same provisions, and are carefully worded with the view of working out a situation where the state will have the entire control and supervision of the convicts, and yet, at the same time, the coal companies will be liable to the convicts for personal injuries.

"The convicts both while at work and at rest are under the supervision and control of the state, because at each mine a deputy warden, an employee of the state, skilled and trained in mining coal, accompanies the convicts to their working places in the mines, and remains with them until the day's work is over. He visits the various working places, inspects the conditions under which the convicts are worked, correcting any condition rendering their work unsafe, and settling on the spot any differences that may arise between the mine bosses on the one hand and the convicts on the other."

"It is doubtful whether the present system of working the convicts in coal mines can be rightly termed the "lease system." It is true that technical terms of hiring are employed in these contracts, but this is done for the purpose of conferring upon the convicts legal redress against the coal companies which would not exist if the state undertook the entire operation of the mines. Under the present system the state feeds, clothes and shelters every convict and furnishes him with medical attention, hospital service, and bathing facilities. Ministrations to his spiritual and religious wants are given him through competent chaplains, whose entire time is employed by the state for that purpose.

"It is significant to note that in none of the criticisms to which my attention has been called has there been any complaint that any employee of the coal company has mistreated any convict. Whatever punishment alleged to have been imposed upon the convicts has been at the hands of those employed by the state, and all alleged acts of cruelty, whether true or not, have been

attributed to those employed by the state and not to any employee of the coal companies. Such latter employees do not have the right to administer punishment in any form whatsoever.

"The closest supervision over these employees of the state is exercised by the board of convict supervisors, and the greatest care taken to prevent mistreatment of convicts, and my instructions are that if it is found that any convict has been mistreated the person guilty thereof shall be summarily dismissed from the state's services.

Need for Discipline

"No matter where or under what conditions a large number of convicts are confined, nor at what work they are engaged, whether on the road or on the farm, or in the cotton mill, you will always find some of them—but they are relatively few—that will need discipline. The form of this discipline varies in many states.

"In Alabama the lash was abolished during Governor Kilby's administration and solitary confinement substituted by him in its place. The latter form of punishment is the only one now in use in any state prison in this state and is the one in use generally throughout the country.

"As an incentive to good behavior on the part of convicts, I have adopted a rule not to consider any petitions for pardon or parole unless the petitioner can show a record of good behavior; and the law itself allows a reduction in time from the convict's sentence for good conduct on his part. Thus, for example, one sentenced for ten years, will under the law, for good conduct alone, be entitled to his freedom after having served six years and eight months.

"In addition to the state physician inspector, there is a competent resident physician at each mine, who is in constant attendance at each prison. The state physician inspector makes careful physical examinations of the convicts and classifies them from time to time, at least once a month, with due regard to their age, physical and mental ability and general condition of the convict. Happily, insofar as I know or have been informed, there has been no complaint as to the convict's task, which is in all instances fixed by the state.

"In fact, at all the mines at which the convicts are worked, with the exception of one, the coal is mined by machines, and shot down by one class or set of convicts, and loaded in cars by another class or set. The work of shooting and machine mining of the coal is neither difficult nor onerous. The work of shoveling the coal into the cars is simple but perhaps more onerous.

Have Short Tasks

"Convicts frequently finish their task early in the afternoon, but they are not required to come out of the mines when they have done so. It is optional with them to remain in the main and to load extra coal over and above their task; for which they are paid by the coal companies.

"That many of the convicts have taken advantage of the privilege of remaining in the mines after their task have been completed is shown by the fact that in the month of April this

year the payrolls for extra work by convicts amounted to more than \$4,400.00, which is at the rate of more than \$50,000.00 per annum. Many of the convicts have made as much as over fifty dollars per month, all of which is net to the convict.

Cruelties At Camps Told By Citizens

Convicts Locked in Sweat
Boxes Until They Drop
Unconscious, Junior
Chamber of Commerce
Committee Says — Men
"Sold into Slavery."

BIRMINGHAM, Ala., May 31.—

Making a convict work the day after one of his fingers had been amputated, suspending others for hours by their handcuffed wrists, their toes barely touching the floor, breaking a stout stick over a convict's head because he begged for a cup of coffee—and locking others in sweat-boxes for many hours at a time until they dropped unconscious, are some of the things members of a committee representing the Junior Chamber of Commerce and the League of Women Voters tell of having seen last Sunday while on a visit to the Banner and Flat Top mines where state convicts are under lease as workers.

The men, sold into "human slavery" by a contract under which state convicts are worked, make part of the sensational disclosures unearthed. This contract, in effect, a Bill of Sale for Human Beings, places different valuations upon the worth of the men, the prices ranging from \$93.13 for first-class convicts to \$63.13 for fourth-class men.

Treated Worse Than Dogs

One white convict, in making a statement to one of the members of the committee, said that colored convicts were treated "worse than dogs."

Tell What They Saw

Capt. Wood and Mr. Engle were the members of the committee who told of what they saw. Both are thoroughly convinced that the convict lease system is a thing abhorrent and should be abolished immediately.

"I saw one man suspended by his wrists in a coffin-like box," Mr. Engle said, "who was pleading to be let down because his arms were swelling. This was at the Banner

mine. It was not known at the mines we saw what we did, we were told the convicts receiving punishment had been removed from the boxes when it was said we were to visit the place. We would not have known of the men who were being stretched had we not heard the cry of one of them. Three others were found in the 'dog houses' being stretched by means of pulleys and ropes, their toes barely touching the ground.

"Warden Davis, at Flat Top, told us the idea was adopted from the army prisons used during the war. We talked to three men who said they had been taken out of the 'dog houses' before we came.

"I personally entered one of the coffin-like boxes. There was not room in them to move. They would be cramping for a medium sized man. They are entered from an aperture at the bottom. If the victim squeezes in with his hands above his head they remain that way until they are taken out, if their arms are at their sides when they enter they stay in that position until they are released. We were told that men were kept in them some times for days at a time and almost invariably they fall unconscious when released.

Charge Treatment Inhuman

"The whole complaint gathered from many convicts, 50 or more, is against the inhuman treatment at the hands of state officials, wardens, deputy wardens and state doctors after the convicts leave the mine work. The convicts are all seemingly well satisfied with the work in the mines and the treatment they get from mine officials and the tasks they are required to perform.

SON DIES ON SAME GALLOWS AS SIRE

Birmingham Negro Follows Father and Uncle Through Gallows to Eternity

BIRMINGHAM, ALA., June 8.—Special to The Advertiser.—Willie Golson, 30, negro, fell through the trap in the Jefferson county gallows Friday morning at 11:04 o'clock. Ten minutes later his limp body was taken from the heavy hemp rope and he was pronounced dead.

Golson was one of the two negroes in Alabama to pay the extreme penalty on Alabama's hanging day. He was executed for criminally assaulting a white woman of Birmingham late in March, a crime he confessed to committing before he breathed his last.

Spends Restless Night

After a restless night spent in the death cell, Golson was awakened early Friday morning, and given his last meal, a breakfast of steak and eggs.

Golson was attended in his cell by Jim Pearson, negro welfare worker,

his grandfather and Rev. J. P. Booth, self styled "black belt bishop."

Throughout the morning Golson was seated in a large cell in the basement of the jail, while religious services were held for him in the presence of all negro prisoners in the institution. Golson, called on for an expression, quietly confronted the other negroes and briefly sketched his life history, admonishing the other negroes not to follow in his footsteps.

Admonishes Fellow Prisoners

"I've been running a long time, but I got caught at last," he said in confessing to the crime for which he later paid the death penalty.

On the stand he again expressed himself in similar fashion, a short while before he was handcuffed. Bound and and noose slipped over his head. As county authorities were adjusting the black cap, Golson trembled slightly and his lips wavered as though he was offering a prayer.

Sheriff T. J. Shirley, an acknowledged opponent of the capital punishment system, and during whose 40 years experience as an officer, had never killed a person, pulled the lever that dropped the negro to his doom.

Follows Ancestors

Golson was hung on the same scaffold on which his father died in 1899 for the slaying of a deputy sheriff. His uncle, Will Moton, alias "Black Butts" also died on the same spot two years ago for highway robbery. Golson's grandfather, who witnessed both hangings, was also near him when he breathed his last, and prior to Golson's mounting the scaffold, endeavored to comfort the condemned negro in his last moments.

Golson was convicted for assaulting a white woman on March 27. Three days afterwards he was caught while in the act of entering a Norwood house. He confessed to police that he had committed numerous other attacks on white women, a number of which had been done in Knoxville, Tenn. Later, however, he denied any knowledge of Knoxville activities.

Prior to his death he admitted his guilt, and also confessed to other assaults and the murder of a negro. He has spent considerable time in penitentiaries, he also declared.

CHAMBERS NEGRO HANGS

LA FAYETTE, ALA., June 8.—Special to The Advertiser.—Benjamin Moore, colored, paid the death penalty this morning at 6 o'clock for the murder of Alexander Taylor, merchant of Fairfax last year.

Taylor was found in his store, dead. His head had been crushed with an axe. Suspicion pointed to Ben Moore, Jim Belden and Smith Gains, all colored. After they had been arrested and placed in jail it transpired that no evidence could be gathered to convict Gains. At the September session of circuit court for Chambers county, Belden and Moore were tried for their lives.

Belden was given a life sentence and Moore was sentenced to hang. D. W. Jackson, who had been appointed by the court as attorney for Moore carried the case on appeal to the supreme court of the state, but the decision of the lower court was sustained and the date set for the execution, June 8.

Confesses Crime

Yesterday afternoon, talking to a representative of the press, Moore at

first denied the killing. Later, saying that he did not wish to die with a lie on his lips, he sent a message to the editor of The LaFayette Sun, saying that he, Moore, did the actual killing. That he struck Taylor on the head with an axe and that robbery was the motive. Moore said that he got a little over thirteen dollars as his part. That he lost it the next day gambling, except what he had paid on a whiskey debt. When Mr. Doty asked him what led him to commit the crime he answered, "whiskey, gambling and bad women." He has been seemingly very penitent, and yesterday was baptised in the jail by a colored minister.

Friday morning Sheriff Simpson asked Rev. W. B. Hope, pastor of the white Methodist church to come to the jail and have prayer with the prisoner before the execution. When Dr. Hope told the man that he had come to pray with him the condemned man said heartily, "thank you." On being asked by the minister if he had anything further to say, Moore replied that he had nothing to add to the statement of yesterday afternoon.

Exonerates Gains

The statement in which he did the killing, assisted and abetted by Belden, and that Smith Gains was not connected with it.

He rested well part of the night, but awoke about three this morning, and spent most of his time from then until nearly six praying.

When the minister started to praying for him, Moore soon joined in audibly, praying earnestly to God for mercy. He walked firmly to the gallows, and with steady step walked to the place the sheriff directed. After the cap was placed over his face and the rope around his neck he was asked if he wished to say anything further. He replied that he did not. Being then asked if any one else was connected with the crime beside himself and Belden he replied "no."

Drop Falls at 5:50 a. m.

The officers then told him goodbye, and in a firm clear voice he replied "goodbye" and began praying again. At 5:50 R. G. Simpson, sheriff of Chambers county, cut the rope, and Moore dropped to his death praying audibly but in a low voice for God to have mercy on his soul. At 6:15 Drs. Wheeler and Risor pronounced him dead. His neck was broken by the fall, and he died almost without a movement of the body. His body was sent to Fairfax for burial.

He left no message for his family or friends. His statement was that his sad end was brought about by whiskey, gambling and bad company.

THE FUNCTION OF PENITENTIARIES.

Samson, Ala., June 4, 1923.

Editor The Advertiser:

There has been so much said and written in regard to the leasing of convicts and the abolishing of the strap that I am afraid that there are a great many of the citizens of the state that have entirely forgotten the real function of the penal institutions of the state of Alabama. The functions of the penal institutions are first the protection of society and those that comply with the law, and second, the reformation of those that break the law.

When a person violates the law and the courts sentence him to the penitentiary it is not done in the spirit of vindictive vengeance to punish him for the crime that he has committed by restraining him of his liberty, but for the protection of society and the reformation of the criminal himself, and if possible

to bring him back to citizenship where he will not be a menace to communities and to society in general.

In regard to leasing convicts to private parties or corporations, I think that there are a great many people that have gone fanatical on the question because of false and highly colored reports not only from our own state but from the convict camps in other states, while I think that it is a shame that the state would acknowledge that private concerns are better business men than the state. In other words, if private companies and corporations can make money out of the convicts, why can't the state do the same thing?

The state has coal lands, farm lands, cotton mills and other industries that the state convicts could be profitably employed in. Why not the state work its own convicts?

As regards the use of the strap, I do not approve of the absolute abolition of the strap but I do believe that it should only be applied by competent authority and in exceptional cases, and not only then but by the direction of a competent board or court of inquiry. For instance, if a convict violates the rules or commits a crime while in prison that would seem to require the last, let the state appoint a commission or board, say of the warden general, the state chaplain and the physician inspector, then when a wrong is committed let the board review the case and say whether or not the convict is to be whipped. I believe that the above regulations will come nearer solving the whipping question than anything else that has been offered.

It must be remembered that there are men who are sent to the penitentiary for discipline and reformation and it must also be remembered that there are a certain class of men that if the lash is entirely abolished cannot be disciplined by ordinary methods.

I believe that the above regulations are as much necessary for the protection of the lives and happiness of the ones that comply with the prison rules and regulations as it is necessary for the disciplining of those unruly trouble makers that are always in evidence in every prison camp.

I do not believe in unnecessary punishment of a convict and believe that the lash should be used in exceptional cases, but when it is absolutely necessary it should be used. I think that a convict should have all the consideration that can be given him, yet I do not think that he should be pampered and idolized and made to believe that he is a convict not amenable to punishment.

I. L. JOHNSTON, M. D.

ABOUT CRIME NEWS.

The General Federation of Women's Clubs deplores "undue prominence given crime news by the newspapers," and suggests that editors do not make "headliners" of crime news, but should give it secondary place or suppress it.

There is this to be said about crime news: In the first place, it represents but a fraction of the total news printed by the papers, since the human race spends most of its time in orderly pursuits. Check your daily paper for a week, and the result will correspond to our conclusion that crime news is but a fraction of the total printed by your favorite paper.

In the second place, the newspaper that made a point of glossing over or suppressing unpleasant news, such as crime news

men slay their brothers, and violate all violet rays upon the participants in the episode. Under democratic conditions of society public opinion must be accommodated; it must be given a place in the box dated; it must be recognized as one of the circle; it must be recognized as one of the "estates." And public opinion cannot function in tempering the passions and impulses of individuals, unless it be informed. We do not ask our historians of past eras to delete unpleasant facts. We value them in proportion as they tell the truth and interpret it wisely and correctly. Newspaper reading matter is history. Man slays or otherwise wrongs his brothers, or transgresses the accepted rules of organized society—rules which had to be formulated and agreed upon to make existence in society tolerable. Society arrests him, or otherwise calls him to account. Then steps in the reporter-historian and gives an account of what happened, following which public opinion focusses its

SELMA PUTS WHITE TRAMP TO WORK ON THE STREETS

First Time in Years Such a Sentence Imposed

SELMA, ALA., Sept. 24.—Special to The Advertiser.—Robert McDonald, a young white man about 24 years old, was arraigned in the city court of Selma at the Monday morning session on the charge of trespassing on the right-of-way of the Southern Railway. He was found guilty by the court and given a fine of \$12.50 by Judge Craig. Being without money to pay his fine, McDonald was sentenced to hard labor on the city streets. This is the first time that a white man has been given stripes and put on the streets to work beside other offenders of the law in many years. McDonald stated to the court that he was returning from California and was endeavoring to reach Cincinnati, where he says he has a family living.

Other cases disposed of by Recorder Craig were Herman Taylor and J. A. Childs, each of whom were given fines of \$12.50 for engaging in an alleged affray. Their fines were paid.

Ellis Davis, negro, was fined \$12.50 on the charge of reckless driving. Unable to pay he was sentenced to work with the street gang.

Dave Walker was tried for assault and battery on the person of Marion Whatley for an alleged insult offered Walker's wife. He was fined \$12.50, the court explaining that the insult claimed to have been offered could not be lawfully resented unless the husband, Walker, had been present at the time of the insult.

CRENSHAW DEFENSE SEEKING AN ALIBI

Endeavor to Refute Testimony of Woman That Negro Was

At Gafford Home

GREENVILLE, ALA., October 10.—Special to The Advertiser.—The Jake Crenshaw case will probably get to the jury late Thursday. The state rested early today and since then the defense has been examining their witnesses.

Nothing new thus far has been brought out, although those who are in close touch with the case are hourly expecting something to break. The defense has summoned several new witnesses who have not testified in any of the four previous trials.

Several witnesses have testified differently from evidence in the former trials in some of the details.

The defense is endeavoring to build up a clear cut alibi, which process they have followed on all of the other trials, to refute the testimony of Cam-

mie Cheatham, a young negress who swore that she saw the negro, Jake Crenshaw, come from the Gafford home on the afternoon of the killing.

EVIDENCE FAVORS NEGRO CRENSHAW

Relatives of Murdered Woman Discount Testimony of Principal State Witnesses

GREENVILLE, ALA., Oct. 11.—Special to The Advertiser.—The Jake Crenshaw case will be in the hands of the jury at noon Friday. The state and defense closed their cases shortly before four o'clock this afternoon.

The testimony taken today is new, not having been brought out on any of the former trials. The point of difference rests on the testimony of John Grant, brother of the murdered Mrs. Gafford, and that of Hub Grant, uncle of Mrs. Gafford. These witnesses are

two of the county's prominent farmers. Their testimony helps the defense in building a stronger alibi and helps to refute the testimony of Cammie Cheatham, the little negress girl whose evidence was the most incriminating given against the negro Crenshaw.

The Cheatham negress testified that she saw Crenshaw leave the Gafford home on the afternoon of the killing. John Grant and Hub Grant testified that Foster Gafford, husband of the murdered woman, stated while in conversation with them several weeks after the killing, that Cammie Cheatham Ray, of Birmingham, and the state was sworn that she saw Jake Crenshaw leave his home because Dan Stallings and Henry Shanks threatened to hang George Cheatham, her father, unless he made his daughter swear that it was Jake Crenshaw she saw after she had first stated that it was not.

Jake Crenshaw was placed on the stand this afternoon and he remained there for two and one-half hours. His testimony was about the same as he gave on the other trials. The attorneys who will argue the state's side are County Solicitor H. P. Rogers and Circuit Solicitor Calvin Poole. The defense lawyers who will speak before the jury are Ben F. Ray and Rodderick Beddow.

The next two trials resulted in non-agreement by the jurors. The murdered woman, stated while in conversation with them several weeks after the killing, that Cammie Cheatham Ray, of Birmingham, and the state was sworn that she saw Jake Crenshaw leave his home because Dan Stallings and Henry Shanks threatened to hang George Cheatham, her father, unless he made his daughter swear that it was Jake Crenshaw she saw after she had first stated that it was not.

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JAKE CRENSHAW GIVEN FREEDOM BY BUTLER JURY

Fifth Trial of Negro Charged With Murder of Mrs. Foster Gafford Near Greenville Ends in Acquittal

GREENVILLE, ALA., Oct. 12.—Special to The Advertiser.—After four hours of deliberation, the jury in the Jake Crenshaw case returned a verdict of not guilty. The case has been one of the most celebrated in the criminal annals of Butler county. The negro has been tried five times, charged with the brutal murder of Mrs. Foster Gafford in 1920. The murder aroused great feeling at the time and a special term of court was called for the trial of Crenshaw.

The negro was kept in the Montgomery county jail for safe keeping and when he was brought to Greenville for the first trial he was under guard of special deputies heavily armed with rifles.

The trial resulted in conviction and he was sentenced to be hanged but the verdict was reversed by the supreme court, as was the verdict in the second trial.

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CRENSHAW TRIED FOR FIFTH TIME

On Application of Defense Jury Views Home Near Greenville Where Mrs. Gafford Killed

GREENVILLE, ALA., October 13.—Special to The Advertiser.—The Jake Crenshaw trial opened in the Butler county circuit court today for the fifth time. The defense, represented by C. P. Beddow, Rodderick Beddow and Ben F. Ray, of Birmingham, made application for a change in venue but the application was over-ruled by Judge A. E. Gamble.

After both sides announced that they were ready the jury was selected which required most of the day. With the empanelling of the jury completed, the defense made a request for the court to permit the jury, accompanied by the Judge, sheriff, and counsel for both defense and state, to go to the scene of the killing of Mrs. Foster Gafford in May of 1920, in order that the jury might get a correct impression of roads surroundings and the house where the murder was committed. The court granted the request on the ground that it would no doubt shorten the time of the trial.

The jury and accompanying party returned early tonight and will be ready for the trial when court opens at 9:00 Tuesday morning. The jury is composed of eleven young farmers and one merchant.

Sentiment is divided in Butler county as to the guilt or innocence of the negro and the trial is being followed by a large number of people. The supreme court reversed the decisions in the first two trials and the second two trials resulted in non-agreement by the juries.

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WHITE RUFFIANS STAB PASTOR AT CHURCH

The new york

TROY, Ala., Aug. 10.—News reached Troy of a serious cutting affray at Mount Nebo, a church in the Paran Oak settlement. The congregation was holding services at a protracted meeting and three white boys—Currey Shipman, Otis Freeman and one named Poleson—went to the church and, it is alleged, were creating a disturbance in front of the church. The preacher, Cicero Jones, invited them in, telling them they reserved seats for white friends. The boys accepted the invitation, but after being seated in the church began smoking cigarettes, laughing and talking, it is alleged. The pastor is said to have remonstrated with them when one of the boys is alleged to have stabbed him with a knife five times, once in the side, once in the stomach and three times in the back. Dr. Reynolds, of Brundige, who dressed the wounds, stated that the pastor has only a slight chance for recovery.

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DAVIS PROMISES TO GO THROUGH WITH GRAND JURY PROBE

Convict Flogged at Banner Mines Following Mutiny in Serious Condition Upheld by Solicitor's Statement

9-22-23 LEATHER STRAP USED IS PRESENTED AT HEARING

Threat to Cite Boyd for Contempt if He Fails to Produce Prisoners as Witnesses

BIRMINGHAM, ALA., Sept. 21.—The Associated Press.—According to unofficial information obtained today, but later confirmed by Solicitor James G. Davis, one of the convicts flogged at Banner mines on September 12, following the mutiny, by order of President L. A. Boyd, of the convict board of supervisors, is now in a serious condition in the hospital at Banner mines.

Solicitor Davis, when asked to confirm the report said "it is a fact." This information came as a sensation to the second day's grand jury investigation of the Banner outbreak in which expensive machinery was blown up and for which a number of convicts were flogged by order of the convict board.

Among those to testify today was President Boyd of the convict board. He remained in the inquisitorial room for nearly an hour and a half and he had with him the "record of punishment" which the grand jury examined.

Threatens Contempt "If Mr. Boyd fails to produce these men before the grand jury Monday, I will either attach him and the men or cite Boyd for contempt of court," declared the solicitor. "I am going through with this investigation. I will not be bluffed from my course."

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a half foot long, made of one, two and three ply sole leather. It has a two-handed grip and it is unofficially reported twenty one lashes were given to 12 men and ten lashes five prisoners who participated in the outbreak.

Officials Testify

Others who testified before the grand jury today were officials of the Pratt Consolidated Coal Company who operate the mine on the Banner prisoner attaches. Dr. B. S. Pettus, Banner physician; Deputy Warden T. L. Smith; C. H. Frazier, former warden; H. E. McCormack, vice president and general manager of the Pratt company, and Judge J. J. Mayfield, all testified. Dr. F. F. Blair, prison doctor, was present but did not testify.

Claim Imposition

When the grand jury resumes its inquiry Monday Dr. Blair, Roy Nolan

of the convict board, Kenneth Wood, a convict at Flat Top who was transferred after an anti-lease system committee had talked to him at Banner, and Warden J. D. Evans of the Banner camp will be called upon to tell what they know of conditions there.

Mayfield Returns

L. A. Boyd, chairman of the state board of convict supervisors and Dr. F. F. Blair, physician-inspector for the board, returned to Montgomery Friday night from Birmingham, where they appeared before the Jefferson county grand jury now engaged in an investigation of the mutiny of convicts at Banner Mines on September 10.

Judge James J. Mayfield, special assistant attorney general and personal legal adviser to Governor W. W. Brandon, who spent Friday in Birmingham, also reached Montgomery on a late train Friday.

Following his arrival in Montgomery, Mr. Boyd was asked if he had any further statement to make and he replied that he did not.

Governor W. W. Brandon remained silent throughout Friday, stating he had nothing to say regarding the investigation by the Jefferson grand jury.

Information of "a startling character" has been revealed by witnesses before the grand jury. Solicitor Davis admitted at noon, but the prosecuting officer gave no hint as to the nature of it. It was assumed from the solicitor's statement that the testimony was developed during the morning proceedings when President Boyd of the board of convict supervisors, the wardens and camp doctors at Banner appeared as witnesses.

None of the witnesses would talk of the inquiry after they emerged from the grand jury rooms.

Court attaches admitted that the line of questioning had to do largely with alleged conditions at Banner.

Intervenes With Convicts

Convicts questioned by newspaper men following the mutiny frankly said that tasks were too hard because of rock in the seams of coal; that medical attention was not satisfactory and that the food was not sufficient for working men.

J. D. Evans, warden at the mines, also appeared before the grand jury. Mr. Evans was the central figure in a bitter attack contained in a formal statement issued by the anti-lease committee. Captain Smith, chief deputy warden also testified, and he was followed by one of the camp physicians, Dr. Pettus. Each of these state

The inquiry was said by court attaches to center about two points—conditions which might have caused the trouble and the extent of corporal punishment meted upon the alleged leaders of the revolt. It was understood that discipline at the camp was closely inquired into, particularly floggings and the use of "dog houses" which the anti-lease committee termed a mode of "crucifixion."

According to members of the solicitor's staff, the information which the grand jury considers "startling" was obtained from either Dr. B. S. Pettus or Deputy Warden Smith, or both, at this new point was given out before Mr. Boyd was called.

Conference is Held

Although not summoned before the grand jury, Warden C. S. Harris of Kilby Prison and Dr. Blair, state physician of mines, were in conference for some time with Solicitor Davis during the morning. Nothing concerning the nature of the conference was given out.

THE BRANDON PROTEST.

Just why Governor Brandon, of Alabama, seeks to estop the solicitor general of Jefferson county from investigating alleged brutalities on the part of convict guards in the Banner mines, is difficult to understand.

That the reports of these alleged brutalities, covering alleged floggings and acts of inhumanity in disciplining unruly convicts, have given a great deal of unfavorable advertising to Alabama is unmistakable; and that the attitude of the governor at this time is virtually justifying the worst that has happened, whatever that may be, is made the more regrettable by his own vigorous defense of the present convict lease system in that state before the last session of the legislature, cannot fail to make the public outside of Alabama look with more disgust upon a sentiment that upholds the commercialization of convicts, of all ages and degrees of offense, for a state's selfish pecuniary gain.

Public sentiment, it looks from the viewpoint of an outsider, will sustain Solicitor Davis in his determination to get to the bottom of the alleged offenses, so long as he is acting within the law, despite the protest of the governor that he is interfering with executive prerogatives.

INVESTIGATION OF FLOGGINGS

TO CONTINUE, SOLICITOR SAYS

Counter Move Seen in Order for Eight Other Convicts' Appearance Before Jury, Davis Says Public Should Know What Boyd and Brandon are Trying to Conceal

9-24-23

BIRMINGHAM, ALA., Sept. 23.—Despite the handicap of a prohibitory writ preventing the appearance of four of the convicts who took part in the Banner mine mutiny and were flogged September 12 by order of L. A. Boyd, president of the convict board, Solicitor Jim Davis was still strong in his determination today to resume the grand jury investigation tomorrow of conditions surrounding the mutiny, begun last Thursday. The grand jury recessed Friday until Monday, after two days of testimony regarding Banner working and living conditions.

One of the solicitor's moves in his clash with the governor over authority was seen in the issuance of another order Saturday by Judge H. P. Heflin of the circuit court on petition of the solicitor's office directing President Boyd to bring eight more convicts who took part in the mutiny before the grand jury. Attorneys here believe the governor's forces will move in a similar manner to block the order by asking Judge L. D. Gardner to issue another prohibitory writ directing Judge Heflin to vacate his order and cancel subpoenas for the men.

One of the developments of today was the announcement of Roy L. Nolan, associate member of the state convict board that he will not appear before the grand jury tomorrow and testify regarding the outbreak as had been expected.

"I have not received any subpoena to appear and will not do so," he said. He also declared that Kenneth Wood, convict, would not be permitted to testify. Wood is now at Flat Top prison, having been removed from Banner.

Solicitor Davis expects to take the grand jury to every prison camp in Jefferson county during the week to investigate conditions. "The public is entitled to know what Governor Brandon and Boyd are trying to conceal," declared the solicitor tonight.

Warden J. D. Evans, of Banner mines, has been summoned before the grand jury tomorrow. Others expected to testify are: Dr. B. C. Gillen, of Bessemer; Dr. F. F. Blair, physician-inspector; Cleon B. Rogers, Reverend J. W. Wheeler and Dr. C. A. Glover, of Pinckney City.

BLOOD HOUNDS TRAIL NEGRO TO HIS HOME, IS CHARGED WITH BURNING SCHOOL

Birmingham (By the Associated Negro Press)

Decatur, Ala., Nov. 14.—When a Negro school house at Talucah was burned and bloodhounds were set to work to find the person guilty of starting the fire, instead of going to the home of some whites in the county, the dogs ended their trail at the house of J. J. Lewis, a Negro. He was put under \$4,000 bond. This is believed to be the first case on record in this state of a Negro burning a school house of his race.

CONVICTS IN ALABAMA PENITENTIARY MAKE CONSIDERABLE IN EXTRA MONEY

Reports in Roy Nolen's Office Show Some Interesting Figures on Individual Effort

That convicts confined in the Alabama penitentiary are allowed to make, and do make, considerable in extra money, is shown by reports on file in the office of Roy Nolen, associate member of the state board of convict supervisors.

During the month of April 1923, 200 convicts working in the mine at Flat Top made over two thousand dollars as extra money. Part of this extra money was paid on account of extra coal loaded, and other parts were paid for overtime.

A considerable portion of this money is sent by the convicts to their relatives, and yet another part is spent by the convicts for little delicacies, such as a prison would not provide. At Banner prison for the month of April a total of \$948.13 was paid to the convicts for extra work. At Aldrich prison, where an average of 200 convicts were worked during the month of April, the amount paid exceeded \$320.00 a week.

It is said that at the mines when the day's task is done the convict is not required to work overtime for pay nor is he required to load extra coal for pay unless he should desire to do so. A number of convicts come out of the mines early in the afternoon after their regular task is completed, and the thrifty convict is allowed to make and does make a nice amount in extra money each month.

It is said that the convicts have on deposit at the various prisons a total of more than eight thousand dollars. There are now 3025 convicts confined in the state's penal institutions. In addition to the above it is understood that a large part of the extra money is sent home, and still another part is deposited in outside banks, so that the convict when he goes free, in addition to the amount paid him by the state on his discharge, will have sufficient capital to take care of him for a while at least.

Alabama Convict Lease System Worse Than Florida's, Women Voters are Told

BIRMINGHAM, ALA., May 21.—That Alabama would have a worse reputation than Florida, in the concealed truth were known, among several speakers at the League of Women Voters tonight.

Two of those who spoke had been members of the Alabama legislature, and one had been on a special committee appointed to investigate the convict lease system itself, and, with others, had personally visited the prisoners at work in the coal mines. They made pleas for the abolition of the convict lease system.

W. C. Davis, of Jasper, former member of the legislature; John C. Arnold, also former legislator; Judge William E. Fort, of the Jefferson county circuit court, and Irvin Engle, of the Birmingham bar, were those who spoke.

Mr. Davis cited the explosion in the Banner mines some years ago when scores of convicts, there against their wills, were killed. These men, he said, could have been reformed, they were on good physical material, they could have been rehabilitated. They died an awful death to which there was no excuse for subjecting them.

Charges High Death Rate

"We are training Alabama girls in a state college at Montevallo within sight of another institution where free labor refuses to work. Count the unknown graves in the woods back of the college," he continued, "where the mine victims are buried, if you want to know the death toll of miner convicts. Last year there were nearly twice as many accidental death of convicts in the mines as were claimed in the whole state convict system by pneumonia and tuberculosis combined."

Giving comparisons, he said both Georgia and Mississippi had abolished the lease system and Alabama could do the same by putting the convicts on farms and the public roads.

"Four years ago," said Mr. Davis, "there were only three states within the convict lease system—North Carolina, Alabama and Florida, and today Florida is the most adversely advertised state in the union and today Alabama would be worse off than Florida if the truth were known and the facts published."

Attacks System

"You can kill a cow at the state penitentiary," Mr. Arnold said, "requisition another and be told the first must be paid for, but kill or maim a convict

and another is practically instantly available without charge other than for his work. The wardens' salaries are supplemented from the mines. I make that statement from testimony given the legislative investigating committee several years ago by men under oath. The man handling the convict must humble him. The convict leaves the stockade under state guard, but at the mine is turned over to a check runner, an old and hardened convict who is responsible for the work the convict turns out. The check runner's first duty is to get the newcomer under control."

The meeting elected officers to definitely inaugurate and press a campaign to abolish the lease system regarding convicts in Alabama.

Judge Fort was elected chairman, Irwin Engle, first vice-chairman; Mrs. Brevard Jones, of Montgomery, second vice-chairman; J. C. Arnold, third vice-chairman; Mrs. Priestly Toulmain, secretary and Mrs. Lloyd W. Josselyn, treasurer.

TO CONTINUE FIGHT ON CONVICT SYSTEM

Special Committee Makes Plans for Carrying Issue to People of State

BIRMINGHAM, ALA., June 12.—Special to The Advertiser—Despite the recent declaration of Governor W. W. Brandon in favor of the present convict system in Alabama, a special committee of the state, with organization seeking the abolition of the system Tuesday was making preparations to continue their fight before the people of Alabama.

This was the decision at a meeting of the anti-leasing committee, held Monday night at a local hotel at which Judge William E. Fort, presided.

Outlines Fight Plans.

Following the meeting a lengthy statement was issued, embracing an outline of the fight to be undertaken.

"The fight to end the convict lease system in Alabama," the statement declares in part, "began many years ago. This committee assures the public that our campaign will never end until this unjust system is forever destroyed. At the proper time the few public statements defending the present dis-

credited method of handling convicts will be fully answered with facts which cannot be successfully assailed."

June 24 was decided on as the date for Anti-Leasing Sunday, at which time all ministers throughout the state are expected to deliver sermons against the use of convicts by companies for private gain.

THE CONVICT SYSTEM AND THE STATE HEALTH SYSTEM.

Editor The Advertiser:

To the comparatively few who have opposed our ancient and inherited convict system, it must be grateful to follow the campaign of publicity being carried on by our women voters through their league. This movement for betterment and progress, promoted and inaugurated by state women, is one of distinct promise. But for the nineteenth amendment to the federal constitution—forced on our state by the more progressive forces of the nation and opposed by the conservative male majority in the state—we would today have small heed paid to any such movement inaugurated by women without the franchise. With our women in possession of the franchise, the situation is altogether different.

As far back as 1898, an open protest was made against conditions existing among county prisoners working in this county. In the next two succeeding legislatures the bare and ugly facts about the whole convict system were thoroughly ventilated. The arguments that seemed to prevent any radical change were all to the effect that the state needed the money raised by the convict department and that no alternative plan suggested any way to provide income from the convicts. In other words, the argument was that Alabama was not able to raise the taxes needed for her government and hence must raise the money from the convict system.

Evidently that argument does not appeal to our women of the league—products and results, insofar as rights to vote are concerned, of a great world-wide progressive movement. They have grasped the conception that Alabama folks are as capable of taking care of themselves as are the people of other American states, and cannot afford to exploit their convicts.

Hand in hand with our convict system, from legislature to legislature and from decade to decade, through forty-eight years, has come down our ancient and inherited state health system. It was and is based on ideas of government that have been repudiated by the progressive peoples of the world, namely, that this people is incapable of conducting its governmental affairs embraced in the public health. With all the laws asked by it of the different legislatures during a period of forty years, providing for the collection of vital statistics, it has been unable to get Alabama into the registration area of the census. It has stood in the way of appropriations for health protection and will stand in the way so long as men are found in each legislature believing that this people can conduct its own public health affairs like the peoples of other states and countries.

We sorely need a reorganized state health system to carry forward the great works initiated and supervised and partly paid for by outside agencies. We sorely need a reorganized health system that shall not create antagonism by its very organization and basic ideas but one that shall enlist the support of legislators who believe that this people can conduct its health affairs as well as its educational affairs, who believe that the denial of capacity to conduct any and

AXE MYSTERIES BAFFLE POLICE

Birmingham, Ala., May 29.—Birmingham police were today seeking to solve the murder of Charley Grafeo, the latest victim of a series of assaults which during the past 42 months has taken the lives of 19 persons and resulted in injuries to 17 others.

Grafeo was found dead at his store in an outlying residential section last night with his skull crushed by the blow of an axe, and his throat slashed from ear to ear. A blood-spattered axe stood behind the door. Its handle was shortened, so that it could be carried beneath the coat, police believe.

THOMAS D. PARKE.

Birmingham, Ala.
May 28.

every government function is a denial of democracy to function. Our women voters who are indebted to progressive ideas and actions for their enfranchisement may well be found advocating progressive and hence changing steps and measures. As they find themselves opposed to our ancient convict system that shocks their sense of justice and propriety, they may likewise, and logically, find themselves opposed to the other ancient system that violates present day national and world ideas of democracy, not to say present day ideas of delivering the goods. Our present legislature has demonstrated the possession of a spirit that does not fear to make changes. This is good foundation for progressive possibilities in other directions and it is not too much to hope that we may see changes in both these ancient and inherited systems that will insure to the welfare and betterment of this people.

Convict With Experience Tells of Conditions in Alabama Coal Mines

In an open letter, which he himself states is unsolicited and written upon his own accord and responsibility, a convict working at one of the mining camps declares that so far as that camp is concerned charges of brutality to convicts by guards employed by the leasing company are "absurd." The letter from this convict was addressed to a member of the state board of convict supervisors, was received several days ago. In his opinion, a convict, who wants to reform, may do so as quickly and easily in a coal mine as anywhere else. His own experience as recounted by himself, in almost three years at this mining camp, is shown in his letter, which follows:

"To introduce myself let me state that I am a convict at ———, Ala., having been here continuously for almost three years. During this time I have been in a position to know conditions as they actually exist in this camp and it is with reference to this that I write.

"Let me say, before going further, that this letter is written of my own accord, and on my own responsibility. I first thought I would write direct to the newspaper, but fearing the cry would go up that the letter was solicited, I felt it best to communicate directly to you that you may know how I feel on the subject of this letter, is—conditions existing here under the Convict Lease System.

"Much has been written and said about the convict lease system in Alabama. Unfortunately many falsehoods have been circulated regarding the treatment accorded convicts under this system and the writer believes that in the spirit of fair play it is high time for some of those convicts who have worked for a considerable time under the system to state the true facts concerning same.

"First of all I wish to treat on the subject of brutality to convicts by the guards employed by the leasing company. This has been alleged by newspapers and others and it is the most absurd mis-statement of real facts I can imagine, at least here in ———. In the first place, no guards here are inside the mines, where the men work. The free labor consist of the mine slackers, shirkers, and trouble makers, foreman, pit foreman, machinist, electrician, and such other labor as may be required to look after the proper working of the mine.

Works Every Day.
"With the exception of a short time I have worked every day in the mines. I am acquainted with and in daily contact with all the free labor employed in this mine. None of them can be construed as a "guard." In the almost three (3) years I have worked here I have not once heard of nor seen any one single act of brutality committed by any free employee upon any convict. I am satisfied that brutal treatment of any convict by a free employee would cause his instant dismissal when the fact became known. In fact, there is no need of any free employee or "guard" having to resort to ill treatment toward a convict at

any time as his recourse is to report the misconduct to the Warden or the Deputy Warden, who investigates the charges in conjunction with the Deputy inside the mines (employed by the State to over see the welfare of the convicts while at work) and then mete out what punishment is given if it is justified. These men and these alone are the only ones who have power to punish convicts, and they are employed by the State of Alabama.

"I have always found (naming officers) most reasonable in their punishment and I know personally of many, many instances where punishment has been withheld when there was even the smallest doubt as to the guilt of the person concerned. Of course, there are isolated instances where an injustice has been done, but that is only rarely the case. In my observation human. Do not the very courts of the country punish innocent people at times? Indeed the convicts at ——— are very fortunate to have such men over them. Surely no one can charge of them with brutality.

"It is a trait of human nature and, if I may be permitted, convicts, especially, to enlarge upon the work and punishment meted out to them. Even the most trivial things become greatly enlarged in the telling, giving rise to alarming reports by those who do not know the true facts. I haven't seen any acts of brutality committed upon convicts at this camp during my incarceration here and I think my eyes are pretty wide open.

"Some time ago the subject of incorrect weights on the coal came up. That condition was speedily remedied by the warden when the fact became known to him. I think no complaint can be made on that score now as proper weights are now being given.

Two Classes Convicts.
"As you know, there are two general classes of convicts, ie, those who desire to abide by the rules and those who do not. The latter class is made up of agitators, "hard-boiled guys," and those men of weak character, who are easily led astray. You know the class of men they are. There are plenty of them out there in the "free world" where you are, and this class does not respond to kindness, no matter where they may be.

"They are chronic fault finders, slackers, shirkers, and trouble makers, always seeking ways to evade their plain duty, trying to make things unpleasant for those in authority and keeping others from the enjoyment incident to good behavior. It is from this class of men that the false stories regarding the treatment of convicts rise, and not those of us who are trying to abide by the rules and conduct ourselves as we should.

"Considerable has been said regarding the utility of trying to reform men by placing them in coal mines, under the lease system.

"That's all nonsense of the purest sort. If a man wants to reform he can do it as quickly and as easily in a coal mine as anywhere else. In the final analysis reformation is up to the man himself. If he be big enough to see his mistake, profit by it, and will to reform, he will do so. If he

can't he won't—all arguments to the contrary notwithstanding. This is my own personal experience and I am no different from thousands of other unfortunates in the penitentiaries of this and other states.

"Right here it might be well for me to call your attention to the fact that many men, some of them with long terms to serve, are given short paroles of from 5 to 30 days. Not one has failed to return. They all come back!

"Does that look as the conditions under the Convict Lease System are so bad or that we convicts are brutally "treated". Most emphatically no.

"Of course it cannot be denied that a coal mine is not the safest place in the world to work convicts in. On the other hand do not free men work in them and are they not subject to injuries, etc?

"Witness the recent disaster at Dolomite. Every precaution is taken here to safeguard our lives from an occurrence like that. In my observation about nine-tenths of the injuries received here by convicts are directly traceable to their own negligence and failure to observe even the rudiments of safety.

Personal Experience.
"Please allow me to recite a personal experience. For a long time I was a check-runner, having at all times from five to twenty-five men under my supervision. I was responsible for their getting their coal and for the safety of their working places. During all this time I never had a man lose one single day on account of injury. Does not that plainly show that convicts can be protected to a minimum of harm and danger and injury if sane and sensible precautions are taken?

"There is no gainsaying the fact that coal mining is hard work. But isn't farming hard work too? Is work in a cotton mill, shoe factory, or shirt factory, child's play? Not to my knowledge, it isn't.

"Some convicts come here with the idea that this is a sort of play house the State has sent them to as a reward for their infractions of the law. Upon finding they cannot "get by" with the dilatory tactics they begin to whine and whimper. The cry goes up that they are mistreated, etc. I'll wager that those convicts who cry, "I'm mistreated", have persistently violated the rules and shirked in their work, thereby bringing justly deserved punishment down on their own heads.

"I'd like to get up before some of these people who have been misled by false stories and tell them what's what about the "Convict Lease System", as practiced here in ———.

"All sensible people will realize that Utopia has not been reached in any prison. Improvements in the system of prisons in this State have been rapid and remarkable, but in the very nature of things they cannot all come in one day or so or in one year. Arrangements must be made to properly assimilate the convicts released from the mines, but to turn them out now and let them lie around in idleness would be most fatal to the convicts themselves.

"I rejoice in the faith I have in our Governor that he will improve conditions, but until the time is proper, I would like to see fair play given on the side of conditions as existing at

present.
"This is a lengthy letter I know and I've not said as much as I'd like, but I do hope that I've brought out some facts that need be known and in a small measure assure you I do desire to see fair play and to help mitigate some of the falsehoods circulated about the Lease System."

Moon Wants Coon As Chase Begins For 'Fast' Negro

Lee County, Ala., Sheriff Turns to Heavy Advertising to Get Man.

BY LOY WARWICK, JR.
Sheriff John L. Moon, of Lee county, Ala., bids fair to knock the majority of county officers for a row of scaffolds—speaking from a literary standpoint.

He has introduced something new in the line of "dodgers." Sheriff Moon seems to have a knack at writing appeals for arrest of fugitives from justice and his latest edition is enough to drive a normal-minded man into distraction and to bring a fleeing criminal to a state of reverse.

Never before have there been so many "coons" connected with so few people and so few words. The handbill starts off about like this:

"Moon' wants a 'coon.' Not a raccoon, but a 'runnin' coon."

That first line is enough.

Then Sheriff Moon goes into detail and explains this propounding of "oons."

"Coon" Mills.
It seems that "Coon" Mills, ebony-hued Afro-American, has made himself very popular with the sheriff of Lee county. Moon claims that "Coon" is under indictment for grand larceny, and Moon therefore craves to incarcerate the erstwhile "Coon" in the Lee county jail, as many half-moons have passed into full-moons.

"Coon" is charged by Moon with stealing automobile tires. The charge declares that "Coon," under the protection of a shadowy moon, stole several tires. Naturally Sheriff Moon has an insatiable desire to jail "Coon." But "Coon" can't see it like Moon does.

For several moonlit nights Moon has been pursuing "Coon," but so far "Coon" has proven too fast for Moon. "Coon," it is said, has a Mrs. "Coon" in one town and another Mrs. "Coon" in another. Officer Moon accuses "Coon" of having two wedded "Coons," whereas a coon is entitled to but one coon at a time and Sheriff Moon intends to put "Coon" behind the bars.

Gone to the Dogs.

"Coon," according to all appearances, will be gone a coon's age before Moon arrests him. Many moons have shown down on both Coon and Moon,

yet Moon is unable to locate Coon.

These handbills have been broadcast about the country giving a detailed description of "Coon." It is believed that "Coon," seeing his cognomen so well played upon by Sheriff Mills, will return.

All persons are warned that "Coon" is a speed demon when it comes to perambulating. He is accredited with many a daring slip from the hands of officers and all are warned to watch him closely.

If Sheriff Moon wants "Coon" as bad as he says he does, then "Coon" will be mooning in the moonlight in Sheriff Moon's hoosegow before many moons.

But—"Be sure you have him in the lockup before you wire me," is Sheriff Moon's parting tribute to the escaping ability of "Coon."

THE NEGRO BOOTLEGGERS.

Selma Times-Journal.
The proceedings of our courts show some marked change in crime fashions. Formerly the negro when brought up to answer for some transgression of the law usually had the offense of "larceny" docketed against him. Now it may be said to the lasting credit of the negro that this charge is not frequently made. There has been a general improvement in the moral restraints of the race in this respect and the tendency bids fair to show further honorable gains.

But the negro who is criminally inclined has turned his thoughts into new channels of law-breaking. He has now become a boot-legger, or he yields to the temptation of making a little "easy money" by setting up a still back in the recesses of the woods. Here he rarely fails to come to grief. Liquor has a fulsome way of advertising itself and soon the stealthy agents of the law have both the operator and his outfit. Nine times out of ten that negro goes to the penitentiary for the statute deprives the court of all discretion, and palliating circumstances do not count. The law imposes a minimum penalty of a year in prison.

Our criminal dockets are cluttered with cases against negroes for violating the prohibition laws. Of course the negro frequently has a white man as an accomplice but in numerous cases he is "in business for himself." Boot-legging and the illicit traffic of liquor is the crime that now gets the colored brother into most of his troubles. Some day he will learn the suicidal folly of turning his attention to such dangerous business, and he will quit it.

ATTACKS CONVICT LEASES

Anniston Junior Chamber of Commerce Favors Abolishing System

ANNISTON, ALA., May 27.—Endorsement of the movement seeking to end the present convict lease system in Alabama and endorsement for the proposed city zoning and planning law or commission has been given by the Junior Chamber of Commerce of this city.

The Alabama legislature will be memorialized at the July session by the junior city builders of Anniston and requested by local organization to take special action on these two questions.

The board of directors of the Junior Chamber and the members have voted unanimously on both these questions and it is expected that similar action will be taken by other organizations of the city between now and the time the legislature is scheduled to meet.

"Lifer" with Unique Record is Granted Parole by Governor

Parole by Governor W. W. Brandon, Friday, of Eli Jordan, Jefferson county negro "lifer" brought to light a convict record that is absolutely unique in the history of the state. Jordan was sentenced on May 10, 1913. Throughout the intervening years his conduct has been of a remarkably exemplary and meritorious character.

When the United States entered the world war Jordan was working in the coal mines at Belle Ellen where he had accumulated considerable money by doing extra coal loading. One day he said to the warden, "Boss, I can't go to fight the Germans, but I can help our country by buying some bonds." Thereafter he invested in Liberty Bonds to the extent of \$300.

Last year, Jordan's father died in Birmingham, and though there were several brothers and sisters residing there, they could not get together the necessary money to pay the funeral expenses. Jordan asked for and received a temporary parole, went to Birmingham and saw to it that his father's body received decent burial. He paid the expenses, amounting to \$150 from money he had made loading extra coal above his daily task.

From his earnings, Jordan has purchased a piano which has been placed in the dining room at Belle Ellen prison for the entertainment of himself and his fellow convicts. He also purchased a motion picture machine, which for months has been operated for the benefit of the inmates, at the same prison. He is a devout Christian and according to letters on file with the state board of pardons, has been instrumental in the conversion to Christianity of many of his fellows.

His parole was unanimously recommended by the state board of pardons and all prison officials under whom he has worked. Besides his expenditures in the interest of his fellow convicts and his investment in Liberty Bonds, he has accumulated \$2,000 by performing extra work in the mines.

Jordan was convicted of robbery in connection with the holding up of two milk wagons, during an epidemic of robberies in Jefferson county.

REVOLTING BARBARITY SOUTH USES CONVICTS FOR STRIKEBREAKERS IN ALA. PRISONS

Convicts Farmed Out To Blood Sucking Employers

Birmingham Ala., July 4.—Out of every eighty convicts sent to work in the privately owned coal mines of Alabama one man loses his life each year.

To one out of every eighty men given sentences to prison terms in this State the words spoken by the judge are equivalent to: "I sentence you to death in the mines."

For parole still exists in Alabama and convicts are farmed out by the thousands to grasping, blood-sucking capitalists.

Alabama is one of the few remaining States in the Union which leases its prisoners out to private companies. The State has about 3,000 prisoners, of whom about 1,400 are leased out to coal companies and about 200 to lumber companies, while the rest are kept in the prisons at Speigner, Kilby and Westumpka. Needless to say, most of the prisoners leased out are colored convicts, many of whom have been picked up on the most trivial charges and given harsh sentences.

The net profit to the State from the convicts thus farmed out during 1919, 1920, 1921 and 1922 averaged \$845,000 a year. The net profit for the current year will be it is estimated, about \$870,000.

Goaded To Limit
"Though the convict is nominally under the supervision of a warden employed by the State," says an opponent of the system, "as soon as he begins his work each day he is turned over to the guards employed by the mine, and from them goes to the 'check runner,' a convict trusty

who is held responsible for the work done."

It has also been brought out that while the lash has been abolished by executive order in 1919, wooden clubs, metal pipes and other weapons have been substituted. The worst punishment of all, however, is the "dog-house"—a coffin-like box or enclosure, so small that a man cannot move inside it, in which convicts are fastened by their hands, their feet scarcely touching the floor.

One prisoner, investigators were told was suspended in the "dog-house" for having defied a guard and kept there so many hours that his flesh puffed through the laces and eyelets of his shoes, the shoes having to be cut away before they could be taken from his feet.

Victims Fill Hospitals
But it is within the hospital of Kilby Prison that one sees the final class of Alabama's convict slaves.

This class is made up of convicts who have gone to the mines and who can never work again. Unfortunate? Well, that's a question. Because the loss of a foot or a hand, tuberculosis or a general breakdown means that the prisoner goes to the hospital—and has escaped the mines. And prisoners look on this as well worth the price.

These are the survivors of the mines. But many never survive.

It is on conditions like these that the searchlight of publicity has at last been turned with the promise that, as in the case of the State of Florida, Alabama will be forced by outside public opinion to clean house.

BIRMINGHAM, Ala.—Abrogation in this state of the convict lease and hire system, which recently received much publicity in connection with the flogging to death of a white convict in Florida, will be the leading issue in the summer session of the Alabama legislature. Unofficial groups throughout the state are demanding on humanitarian and economic grounds the elimination of this practice.

Under this system the state feeds, clothes, houses, and controls the hours of work of the 1,400 hired convicts. The prisoners work in scab mines. The state gets so much per ton of coal mined by them, which amounts to about \$800,000 a year. The companies thus get a convict miner for less than \$600 a year, which is less than one-third what they would have to pay a non-convict miner for a year's work. The convicts are unwilling but convenient strikebreakers.

County convicts are also hired to the mine operators, under straight lease.

The Pratt Consolidated Coal Co., Sloss Sheffield Steel and Iron Co. and Bessemer Coal, Iron and Land Co. are some of the largest users of such slave labor.

Governor Brandon supports these companies, which are cleaning up large profits on the deal. He opposes abolition of the convict contract system.

AXE MURDERER IS BELIEVED JAILED
Birmingham Officers Capture Negro And Find Bloody Hatchet; is Identified

BIRMINGHAM, ALA., Dec. 10.—By The Associated Press.—With the arrest of Fred Glover, and the finding of a blood stained hatchet and a pistol in his personal effects in his room, county officers believe that the long hunt for Birmingham's axe-man has come to an end.

Following the arrest, Glover was taken to the Birmingham general hospital, where he was positively identified by Mrs. Edwin Sparks as the negro who perpetrated an attack on Mrs. Sparks and her husband late Sunday evening.

To further clinch the evidence against Glover, officers state that he was suffering from a severely bruised wrist which was dressed a short time after the attack took place last Sunday evening. Officers say they have the case practically closed against him for this affair and developments towards the solution of other similar crimes are expected as the result of this arrest.

The identification was strengthened by the identification of a pistol found in a locker at the home of the negro as the gun used by him in the attempted hold-up.

Glover is known to the officers, both county and city as a bad actor

Crime — 1923

NEGROES MUST FACE CHARGES OF MURDER

Alleged to Have Wrecked M.
P. Train, Costing Two Lives.

1/11/23
Commercial Appeal
FORT SMITH, Ark., Jan. 10.—The wreck of a Missouri Pacific freight train at Upson Switch near Vian, Okla., Dec. 26, which cost two lives and injury to two trainmen, was caused by a desire of three negroes to get out of the country before John R. Johnson, newly elected sheriff of Sequoyah County, took office, according to the theory now held by Missouri Pacific investigators.

The negroes, James Jackson, Turner Fields and Henry Wright, all fugitives from charges in Sequoyah County, are now being held in jail at Sallisaw, and will face charges of murder for the death of the two transients whose bodies were found in the wreckage. Special Agent Elveash of the Missouri Pacific said Wednesday. The charges have not yet been filed as reported from Sallisaw Tuesday night, but will be filed within a few days, when the investigators have had time to line up additional evidence.

Facts revealed by investigation since the wreck have caused the railroad investigators to abandon the original theory that the train wreckers intended to ditch and rob the Rainbow Special, fast passenger train. They have also abandoned the theory that eight men seen in automobiles near the scene of the wreck had any connection with the affair. Their belief now is that the three negroes threw the south end of Upson switch in order to run a freight train on to the siding, force it to slow down and permit them to catch it, so they could make their escape from the county before county officers came after them on various charges which had been pending for several months.

RESISTANCE **NEGRO SHOT**
Commercial Appeal
Black Probab ally Wounded Att-
rney's Office,
er Firing on Officers.

3-11-23
BRINKLEY, Ark., March 10.—E. Fowler, negro, was the victim of a shooting affray which was staged at 2 o'clock yesterday morning on the platform of the local union passenger station. Fowler was ordered to leave the colored waiting room of the passenger station by Night Marshal Giles, after he refused to purchase a ticket to Helena, where he stated he was going. He said that he didn't have to buy a ticket, that he rode freight trains. After becoming insolent, he left the station, but the trouble was later renewed on the station platform. The negro attempted to strike Giles, who returned the affront with a blow from a piece of billiard cue, which he was using as a night club. The negro then whipped out a revolver and fired point blank at Giles, and also at a Cotton Belt conductor who came up about that time. Giles emp-

Arkansas.

He tied his revolver and sought refuge in the recess of the door of the Cotton Belt freight house.

Local Rock Island Patrolman Edward Jones, who was on duty near the station, reached the scene at this time, just as the negro was making his getaway behind the wholesale house. Jones ran to an alley just east of the wholesale house, just as the negro came out with revolver in hand. Jones ordered him to drop the gun, but the negro raised his gun and Jones fired, evidently hitting the negro in the arm. The negro ran behind a wood pile and dropped to his knees and had his revolver levelled at Jones when the latter approached. Jones shot the negro through the breast. It is said that he will die.

Crime - 1923

D.C.

SENTENCE OF DEATH SUSPENDED BY COURT

Altona Constitution
Washington, February 19.—Sentences of death, imposed by Arkansas courts upon Frank Moore, Ed Hicks, J. E. Knox and other negroes convicted in Phillips county on the charge of having killed Clinton Lee during the riots of 1919, were suspended by the supreme court today and the cases ordered back to the United States district court to determine whether the men had received fair trials in the state courts. *2/19/23*

In behalf of the negroes it was contended that they had not excited nor participated in a race riot, and it was insisted that they had been fired upon while assembled in a church at Hoop Spur to devise means to relieve themselves of peonage, it being alleged that as tenant farmers or "share-croppers," they were being held in servitude. The state asserted that the evidence upon which they were convicted was sufficient to warrant the sentence.

Duplicity Suspected In Peonage System

WASHINGTON, April 6.—The Department of Justice, while keeping close tabs on the "peonage" system in the South professes to have found no way in which the Federal Government can interfere with the penal system of a State.

Pittsburgh Courier
The brutality of the system indicated by the recurrence of such incidents as the death of Martin Luther is recognized everywhere, but it will probably require a constitutional amendment to put an end to it, unless public opinion compels action by the States that farm out their prisoners.

Pittsburgh Courier
Senator Steiing (R. S. D.) of the Senate Committee on Education and Labor intimated the Florida Case might be the subject of a special investigation by the Labor Committee in the next session. He said he had

just returned from Florida, where he had been interested in observing evidences of the system as exemplified in the use of men bound out to private contractors. *American*

"I am utterly opposed to such a system," he said. "It ought to be stopped. It is against public policy and is a threat against personal liberty."

Pittsburgh Courier
Frank Morrison, Secretary of the American Federation of Labor, expressed keen interest in the case.

"The exposure of this case is a splendid thing," he said. "The Florida 'peona' system is wrong in principle and should be abolished."

TO ARREST FLORIDA SHERIFF ON PEONAGE CHARGES; INDICT THREE MEN IN CONVICT SCANDAL

County Official Awaiting Service Under Dismissal But Continues to Function; Admits Profit On Prisoners Sent to Camp Under Investigation; Report Is Ready

TALLAHASSEE, FLA., May 13.—Sheriff J. R. Jones, of Leon county, will be placed under arrest here tomorrow on a warrant charging peonage, according to United States Deputy Marshal Fred Hardee today.

Sheriff Jones, Walter Higginbotham, former whipping boss, and William Fisher, superintendent of the Putnam Lumber Company, a Cross City, were indicted yesterday by a federal grand jury at Pensacola. Warrants for the arrest of the trio arrived there today from the office of district attorney Fred Cubberly in Pensacola, with instructions to Deputy Marshal Mickler that they be served at once.

The federal official said this afternoon he would wait until tomorrow for the service, first arresting Jones and then journeying to Cross City, where he would arrest Fisher and Higginbotham.

Sheriff Is Dismissed.

Sheriff Jones was recommended for dismissal from the office by Governor Hardee two weeks ago and commendation was approved senate. It was stated at the building today that Jones, serving as sheriff, the governor yet having appointed his successor. Under the law he remains until his successor qualifies.

The dismissal of the sheriff ordered following testimony by himself and other witnesses in the joint legislative committee investigating the death of Martin Tabert. Sheriff Jones admitted he made a personal profit of \$23 on each prisoner he carried from Tallahassee to the Putnam Lumber Company as the result of an agreement made between Superintendent Fisher and himself.

The federal indictment against Sheriff Jones charging peonage contains three counts. It charges transporting Ned Thompson, a year-old negro to the Putnam Lumber Company to serve a sentence of three months, without any formal charges being docketed against the negro.

Fisher and Higginbotham are charged with having entered into a conspiracy to kidnap Thompson.

Thompson, according to federal authorities, was arrested here September 9, 1921, on a peace warrant taken out by a negro woman. He was placed in jail on default of bond. According to state laws, Thompson could have voluntarily worked while being held in jail, but he could not be transported to another county to be worked.

On September 20, according to a receipt the sheriff obtained from W. H. Young, an agent for the lumber company, he was transferred to the lumber company's camp. After serving, 30 or more days, he was brought back to the Leon county jail, where, after a few days confinement, he died.

Witnesses appearing before the legislative committee have testified that Thompson because he was physically unfit to perform hard labor was whipped by Higginbotham, so severely, witnesses testified, that the negro was unable to move and was sent from the logging camp in a truck.

TALLAHASSEE, FLA., May 13.—Condemnation of the lash and the convict lease system will be contained in a report by the joint legislative committee investigating reported brutalities in convict camps in Florida which will be submitted to the general assembly tomorrow, committee members announced here.

Senator John P. Stokes, chairman of the committee, also announced he would introduce a concurrent resolution calling attention of the North Dakota legislature to the recommendations and a transcript of the testimony in the Martin Tabert case will accompany the resolution.

The committee's report, which was completed today, recommends the abolition of the lease system and corporal punishment. It also recommends adequate methods be provided for the feeding, housing and clothing of prisoners.

It will also touch briefly on the case of Martin Tabert, North Dakota youth who met his death while serving in a lease convict camp of the Putnam Lumber Company at Clara, Fla., 15 months ago, and the investigation into reported inhuman treatment at camp owned by state senator T. J. Knabb.

The committee will not make any comment on the testimony presented in the Knabb case. The testimony by Mrs. Thelma Franklin, a social worker residing at Glen St. Mary, against conditions existing at the Knabb camp, still will stand unrefuted so far as the committee is concerned. It will be up to the senate to take further action, it was declared.

WHIPPING BOSS LOSES FIRST ROUND IN TRIAL

Judge Grants State Plea for Change of Venue.

TRIAL DATE INDEFINITE

Judge's Ruling Based on Contention That State Could Not Get Fair Deal Against Alleged Murderer of Young Tabert.

(By The Associated Press.)

CROSS CITY, Fla., May 25.—Judge A. G. Campbell late today sustained a motion by the state for a change of venue in the case of Walter Higginbotham, convict whipping boss, switching the scene of the trial from here to Lake City, Columbia County. No date was set for trial.

Contentions By State.

The judge's action followed arguments that charged the state day counsel for the state contending that a fair trial of the charge of first degree murder against Higginbotham could not be obtained here, and presented affidavits in support of the contention.

Defense attorneys, combatted the motion by the state with the presentation of affidavits declaring affidavits introduced by the state were obtained by W. H. Matthews, now under indictment for murder, and asserted that alleged misleading newspaper reports of the case had not been read by citizens of Dixie County as they had been by outsiders.

Higginbotham is charged in a grand jury indictment with first degree murder in connection with the death of Martin Tabert, of North Dakota, who died in the convict camp of the Putnam Lumber Company, near here, in February 1922. It is alleged that excessive whippings by Higginbotham caused the youth's death.

The Putnam Lumber Company held the center of the arguments, the state contending that it owned more than half of the land in the county; that it paid 65 per cent of the county taxes, and that it had powerful political influences. The defense contended the lumber company did not figure whatsoever in the case; that Higginbotham has not been in the employ of the company since Feb. 5, 1922, five days after Tabert's alleged to have died, and that neither the company nor its officials could interfere with the defendant getting a fair trial here.

PRISON BOSS IS CITED AS WILD BRUTE

White Woman Tells Florida Senators How Females of Our Race Are Killed

Tallahassee, Fla., May 25.—Atrocities rivaling those committed on the notorious Williams' murder farm in Georgia are being brought to light through a federal investigation conducted in the affairs of the Putnam Lumber company's camps at Clara, Fla. Sheriff James R. Jones, typical backwoodsman, is under indictment for some of the alleged murders. He is said to have been a "feeder" to the camp bosses in the way of obtaining workers under the peonage system. Jones is said to have accomplished the death of Ned Thompson, known as "Old Uncle Ned," who was committed to the lumber camp on Sept. 9, 1921, for inability to furnish a bond of \$100 to keep the peace.

Jones, according to reports, was paid \$20 to deliver Thompson to the lumber camp, the agreed amount for every prisoner given over to the company. It is said that Thompson received a severe beating at the hands of T. Walter Higginbotham, "whipping boss" for the camp, who is already under indictment for the murder of Martin Tabert, a white youth, also a convict during Thompson's imprisonment.

Men Disappear

Several men who were sent to the camp under the system of leasing prisoners to private concerns have disappeared and fear is entertained that they have been killed by the camp bosses and their bodies destroyed to hide evidence. Rumors are common here that the practice has been going on for years, but political influence was so strong that nothing had been done in the way of demanding and forcing an investigation due to the fact that the victims were not white. Higginbotham "overstepped his bounds," his friends say, when he "whipped a white boy to death."

Startling disclosures were recently made before the Florida senate investigating prison camp conditions, when a white woman representing a reform organization declared that women did not escape the brutal

treatment of bosses in Florida prisons when sent up for minor offenses. In some cases she cited records where they were killed by gunshot, and when fairly decent looking were victims of the bosses' "wild practices." Many were said to have been returned home in pine caskets with the explanation that death was due to pneumonia or other ailments. No investigations were ordered because the victims were regarded as social outcasts without any standing in the community.

Murder Mother, Daughter

The most recent murder was that of a woman and her young daughter, who were shot to death.

Higginbotham when testifying before the Florida senate declared he "couldn't get any work out of a nigger unless he mutilated his hide." "Capt." William H. Fisher, a running mate of Higginbotham in the prison camp, now under federal indictment, said he "couldn't remember how many niggers he had whipped."

Those here familiar with the situation in the camps asserted that if a thorough investigation is made by federal officials over a score of deaths within the past few months will be revealed, and other disclosures will be made that would shock the civilized world. A state investigation, they say, would gain little if any headway because the perpetrators of the crimes could rally enough political influence to block prosecution, and another reason equally important is that the victims were all of our Race.

CONVICT CAMP BOSS TO FACE TRIAL JURY

Alleged Whipper of Prisoner Who Died to Answer Murder Charge Tuesday

LAKE CITY, FLA., Walter Higginbotham, convict camp boss alleged to have beaten to death Martin Tabert of North Dakota in a private camp in Dixie County, is scheduled to go on trial in circuit court here Tuesday. The legislature, shortly before it adjourned at Tallahassee, appropriated \$3,500 for the expense incurred by the state in bringing approximately fifty witnesses here. This will be the third start of the trial. When the first attempt was made to try the whipping boss at Cross City, Dixie county, where Tabert died, the presiding judge was disqualified on grounds of prejudice against the defendant. With a new presiding judge the state was granted a change of venue, the court sustaining the prosecution's contention that a fair trial could not be held at Cross City.

THE FLORIDA HORRORS AND HARDING'S SILENCE

The horrors coming to light in the uncovering of the law protected peonage system in the State of Florida is enough to make "the unspeakable Turk" shudder, not to say anything of Christian Civilized America. *May 14, May 13, 1923*

Mrs. J. E. Franklin, wife of the postmaster of Glen St. Mary, told the investigating committee Tuesday, of twenty-one human beings who were slain by the lash in the peonage camps owned by State Senator Knapp. She also told of the shooting of two colored women, mother and daughter last Wednesday, who were to have appeared as witnesses in this investigation.

Along with this news comes the cables from China of the kidnapping of a few Americans, among them, a sister to the wife of Rockefeller, Jr. The whole country is alarmed. Cables are with burning messages to capture the "brigands." This government thru its Secretary of State has informed China that it hold the Pekin government responsible for the 17 Americans. But not one word has come from the White House, or the Army General against the legalized murders in one of our own supposedly civilized and Christianized sovereign States. This of Florida, recently had a Baptist preacher for its Governor (Gov. Catts) was indicted on the charge of peonage, but the has not come to trial and nothing has been done about it.

We have a Baptist for President of the United States, "a Christian man," but he is apparently more interested in a few Americans in China than he is in the hundreds dead, and thousands dying, under the peonage slavery in certain of the states over which he rules. What will the historian of the future say of these inconsistencies?

MANAGING A SOUTHERN NEGRO

THE REVELATIONS brought out through the exposition of the convict labor system in Florida again calls public attention to the involuntary servitude—another form of peonage, worse in some aspects, than chattel slavery in ante-bellum days—still in vogue in that state. It is shown that the victims of this brutal method are not confined to any one race. Perhaps this accounts for the general condemnation which the system is now receiving at the hands of popular sentiment.

THE ORIGINATORS of the system no doubt intended that the victims should be confined to the Colored Race, but like lynching, it has gone beyond the point originally intended. So long as the members of our group were the sole sufferers very little attention was paid to the matter. It appears that the state legislature of Florida has been forced to take some action with a view of correcting these horrible abuses. This action was no doubt stimulated by what was done through the federal judiciary in securing indictments against several of the principal culprits in charge of the convict camps.

THE PROPOSED corrective legislation aroused considerable opposition in both branches of the legislature. The declaration was made with some heat and force, "That there is only one class of people who can manage a southern Negro, that being southern men." This remark followed the revelation that an old Colored man was a recent victim of this brutal system. This hackneyed statement is familiar to the reading public. It is the stock in trade of the average southern political demagogue. It is the same argument that was used in the defense of human slavery. It is the same argument that is now used as a justification of the nullification of the Fifteenth amendment and for "Jim Crow" legislation.

IN FACT, any and all illegal and questionable acts, having for their object the humiliation, subjugation and degradation of Colored citizens, is based upon the theory that the southern white man is the best judge of the recognition that should be accorded to Colored Americans. What is most unfortunate in

connection with this affair is that there are so many northern white people—some of them politically classed Republican—who are willing to excuse, tolerate, justify and even approve such methods so long as Colored people are the sole victims.

THESE PEOPLE will eventually learn that it is impossible to impose conditions upon one race or group of American citizens that will not have a reflex action upon the state or community as a whole. The effective remedy, therefore for the evils complained of and pointed out, is the inauguration and enforcement of a strong and vigorous policy on the part of the national government, independent of any action that may be taken by the local state authorities.

"WHIPPING BAN CERTAIN."

Florida Prison Lash Abolitionists Believe They Have Won Fight.

Commercial
TALLAHASSEE, Fla., May 13.—Legislative banning of the whipping of convicts in this state tonight seemed to be only a matter of a day. With this prison reform undoubtedly will too the county lease system, as soon as existing contracts terminate. Legislation to this latter end has only been held from final passage until the two hours of the assembly could decide the difficult problem of disciplining convicts. *May 14, 1923*

The lower house from the first has been overwhelmingly in favor of banning the whip. Tonight it appeared that the 14 unyielding senators of the more conservative upper house had won their fight with the introduction of a bill by Senator Hodges to abolish corporal punishment. Led by Mr. Hodges, Senators Stokes and MacWilliams, this minority by three has steadily brought the majority over, first to a resolution that would ask the administrative officials to bank the whip as an experimental measure and then the passage of a bill yesterday that would make it unlawful to whip county prisoners at all, while such punishment would be banned for state prisoners for two years at the end of which time the next legislature could act in the light of experience. But tonight the outright whip abolitionists declared they had enough strength to make the senate concur in an amendment put into this bill by the house that would disregard the two-year experimental clause for state convicts and would free them, too, from the lash forever. If it is found that they can not be handled without the whip at the end of two years, these senators said, the next session could take any action it deems fit.

RIGIDITY FOR CONVICTS

Florida Adopts Measures to Take Place of Lash Recently Dropped.

TALLAHASSEE, FLA., June 8.—Rigid rules and regulations in the government of prisoners to take the place of the whip which was abandoned by the legislature were promulgated today by the board of commissioners of state institutions. Solitary confinement and restricted rations and privileges predominate in the substitute disciplinary measures.

The governor today signed the Lindsey convict supervision bill which is designed to be far reaching in maintaining rigid inspections and places the supervision in the hands of the state officials as a whole.

JUNE 8, 1923

CHRISTIAN

Florida's Whipping Boss Goes.

It is to the credit of Florida that the whipping boss has been outlawed. No longer will convicts or other prisoners in that State be subjected to the sting of the lash in the hands of men authorized by law to thus torture their fellow man. As the public knows, this law is the result of aroused public indignation because of the death of a youth from cruel beatings in a lumber camp in that state. Florida is not the only State that needs prison reform, and it is gratifying to learn that other States have been aroused by the revelations of cruelties in Florida. Investigations of prison conditions are under way in North Carolina and other States. Our hearts have been made sad by the reports of the terrible suffering and death of the North Dakota youth who lost his life at the hands of the cruel whipping boss in the lumber camp in the Florida swamp, and we have felt very sorry for the parents and other relatives in their Dakota home, but let them get comfort out of the fact that so many others have been saved from cruelty and possible death through his suffering. He did not die in vain.

Higginbotham Loses Motion For New Trial

Convicted "Whipping Boss" To Carry Appeal to Florida Supreme Court.

Lake City, Fla., July 8.—Judge M. A. McMullen today denied the motion for a new trial for Thomas Walter Higginbotham, former whipping boss, who late yesterday was found guilty of second degree murder in connection with the death of Martin Tabert, of North Dakota. Judge McMullen sentenced Higginbotham to twenty years. Higginbotham's wife accompanied him into the court room, where Judge McMullen asked the former whipping boss if he had anything to say why sentence should not be passed on him. He replied in the negative and sentence then was passed. The case will be taken to the state supreme court. Judge McMullen said he had been advised. The \$10,000 bond under which Higginbotham was released after the verdict will hold good until the higher court disposes of the case.

THIS CIVILIZED LAND.

The country is being aroused by the recent exposure made in the New York "World" on peonage conditions in Florida. The case taken by the "World" was that of a white farmer boy who started out from his home in North Dakota to "see the world." This boy, Martin Tabert, belonged to a well known family in Cavalier County, North Dakota. His father is the owner of a five-hundred acre farm. Martin started out with some money in his pocket but he determined to work his way as far as possible and save his money for emergencies. He did very well until he struck Florida where a period of hard luck exhausted his supply of money.

On the 15th of December, 1921, Martin was arrested by a deputy sheriff in Leon County, Florida, for stealing a ride on a freight train. He was taken before a magistrate and fined twenty-five dollars or, in lieu of payment, sentenced to serve ninety days. He was, of course, unable to pay the fine, but he wired home to his father for fifty dollars. His father immediately sent him by registered letter seventy-five dollars. A week or so later the registered letter was returned to Mr. Tabert marked "Returned by request of the sheriff; party gone." The father felt the boy had found some way to get out of his difficulty and ceased to worry about the matter.

In July, 1922 a man named Glen Thompson wrote the following letter addressed to the postmaster of Munich, North Dakota:

New York Age 7-7-23
"Would you please find out whether the parents or kinsfolk of Martin Tabert know, or care to know, the particulars of Martin's death in February in this year? I was an eyewitness in the boy's death and I am doubting whether any particulars were sent to the folks."

This was the first intimation that the Taberts had had of the death of their son. They immediately got in communication with Glen Thompson and through him, with a number of other persons, learned how the boy met his death.

When Martin could not pay his fine he had to take the ninety-day sentence and he was immediately leased out for that period to a big lumber company, under the Florida convict lease system. There he was compelled to do the sort of work that these companies which lease convicts would not be able to hire free labor to do. He was compelled to work very often waist deep in swampy water and was fed and housed in a way that no North Dakota farmer would feed and house his domestic animals. He was given a pair of rough convict shoes to wear which were too small for his feet and caused them to swell painfully. In a little while he was weakened by fevers and was hardly able to keep on his feet.

The overseer complained that Martin was slow at his work, so the boy was handed over to the whipping boss for the purpose of being sped up. The whipping boss gave him fifty lashes with a seven and a half pound strap, and a few days later the boy died.

When the Taberts got the full facts they placed the matter in the hands of the District Attorney in their county, who took it up and pushed a vigorous investigation. This investigation has laid bare the cruel and

has shed a glaring light upon our so-called civilization. It was brought out in the investigation that the company pays to the State a small monthly wage for all able-bodied prisoners turned over to them. It was also brought out that the sheriff got a rake-off on each man turned over to the company. This latter fact accounts for the sheriff's action in returning the registered letter which contained the money which would have secured Martin's release.

This case has brought about an unprecedented situation. The matter has been taken up by the legislature of North Dakota and that body has called upon the State of Florida to take action to avenge the death of Martin Tabert. The people of Florida have been humiliated at least by this exposure and the Governor of that state has declared that he will call upon the legislature to abolish the convict lease system. If this is done, the exposure made by the "World" will be one of the greatest feats for public good ever performed by a newspaper.

But after all the case of Martin Tabert is unique only because it is the case of a white man taken up and championed by a great newspaper. This case of Tabert, as terrible as it is, could be matched and out-matched by the cases of thousands of Negroes who have suffered and died under the systems of convict labor and peonage. It ought to be a difficult thing for the American people to realize if under the Florida convict lease system a white boy of intelligence, of education and from a family able to furnish him with money, could be so treated for the offense of stealing a ride on a freight train, that hundreds and even thousands of poor, ignorant and defenseless Negroes have been treated far worse for lesser offenses. Indeed, such a system as the Florida convict lease system reduces the office of the sheriff in most of the counties of the state to that of slave catcher. It becomes his profitable business to get his hands on as many able-bodied men as possible and turn them over to the companies that hire convict labor.

A dispatch from Paris in Sunday's newspapers states that France and England are very much wrought up over evidences that have been discovered of a lively slave trade being carried on in Africa. But if Africa can show anything that approaches what is being daily carried on in Florida and a half dozen other Southern states we would be willing to volunteer ninety days of personal service in the camp where Martin Tabert was confined. The cases of Martin Tabert and of thousands of innocent Negroes whose cases have never been heard of demand that the brutal and inhuman system of forced convict labor and peonage be abolished in the United States.

**WOMEN GET DATA ON
THE CONVICT SYSTEM**

Make Plans For Recommendation on Prison

Reform in State

Mrs. C. R. Bricken, Mrs. Brevard Jones and Mrs. W. A. Hill, of Montgomery, and Mrs. M. J. Orr, of Birmingham, representing various women's organizations throughout the state, conferred for upward of an hour Wednesday afternoon with L. A. Boyd, chairman, and Roy L. Nolen, associate member, respectively of the state board

of convict supervisors. During this conference, members of the board of convict inspectors furnished the women with full information regarding the state's present convict system and method of prison administration, which data the women asked for and which they discussed with members of the board.

The conference was in connection with the assembling of information by the various women's clubs of Alabama regarding the state's convict system, which information will be thoroughly studied before the legislative council, composed of representatives of every woman's club in the state, makes recommendations to the legislature regarding Alabama's present penal system and its administration. Along these same lines, Mrs. Bricken, who is president of the Alabama League of Women Voters, recently conferred with Governor William W. Brandon, who asked that a committee of ladies representing the various organizations, visit and inspect the prisons and prison camps of the state before any legislative recommendations are made.

Mr. Boyd and Mr. Nolen during the conference Wednesday afternoon, assured the women that they would be very glad if they should see fit to carry out the governor's request, stating that the committee of women, if they so desire, may visit the prisons and prison camps of the state unannounced. The matter of the appointment of this committee has been referred by Mrs. Bricken to the legislative council but no action has yet been taken by the council.

Using the Law for a Mask.

The death of young Martin Tabert in a Florida prison camp may not have been in vain. The legislative investigation now under way has revealed enough to justify the charge that the North Dakota youth was the victim of a system of torture as brutal as any employed in the dark ages.

The Legislature has shown wisdom in taking steps to remove the cause that leads to such conditions. It did the proper thing when it removed from office the sheriff who admitted receiving \$20 as compensation for each prisoner he turned over to the lumber concern that employed a "whipping boss."

Years ago most of the states recognized the evils of the convict leasing system and abolished it. Such a system has no place in civilized government. It serves as a legal mask behind which brutes, individually and collectively, may hide and wring blood money from the unfortunate.

An industrial concern that cares so little for the personal welfare of those working for it as to know nothing of conditions under which they work is derelict in its duty. If it has knowledge of but shuts its eyes to brutalities practiced upon the helpless within

its domains, it deserves no more respect than the brute in its employ.

However, one point touched upon by the Florida investigators calls to mind an abuse of the law that is common to most localities. It is charged that there was collusion of officials to make profitable the business of picking up wayfarers from freight trains and rushing them to private convict camps after impromptu trials.

The law against trespassing on railroad property is specific. It is imperative that the railroads be given proper protection against box car thievery; otherwise they would lose yearly millions of dollars through the activities of those who would invade the yards for the purpose of robbing loaded cars therein.

But under the broad construction of the law applying to trespass no competent, upright judge would condemn a workhouse or jail an unfortunate who merely set foot on railroad property unless the circumstances indicated a purpose to commit a wrongful act.

It hasn't been so long ago that one of our criminal court judges was informed that more than 40 prisoners had been committed to the workhouse by a magisterial court of Shelby County, the trespass law having been invoked to convict men who were guiltless of any criminal intent.

The court ordered the prisoners brought before him for investigation. The evidence showed a most shocking miscarriage of justice. In the lot were beardless boys and gray-haired men. If there was a criminal among them, there was no indication of it. There was no hint of collusion between magistrate and arresting officer, but the whole transaction bore the earmarks of a legal kidnapping. Both the magistrate and the arresting officer profited financially by the sentence of each defendant. The unfortunates, of course, had no money with which to pay the fines, and were sent to the workhouse to work them out. The fees of the magistrate and the officer were paid by the county.

The court ordered the release of every prisoner before him, and in doing so scathingly denounced such practices on the part of those who are supposed to uphold the dignity of the law.

The property of a man is entitled to protection by the law, but the rich man's claim on the law is no stronger than that of the poor man. It isn't a

crime to be poor. And it is a travesty on justice when conditions are such behind a black mask and enforces his commands at the point of a gun. That a poor man has to beg for protection from officers of the law.

Every day of the year thousands of men are tramping from town to town in search of work. They haven't money to purchase railroad tickets. They must work or starve, or become objects of charity. If they can't get employment in one place, it is commendable of them that they set out afoot to secure it in another.

It is upon such as these that the fee grabbers prey. A fee grabber is a parasite that has neither respect for law nor conception of justice. What he is after is the money. He is in the market to kidnap and barter human flesh.

But he should not be permitted to use the law for a mask in his nefarious practices. No system should be tolerated that makes it possible for him to sell into slavery a human being.

The circumstances surrounding the death of the young service man in Florida are a blot on civilization. There is little doubt that the good people of Florida will wipe out conditions that brought about the tragedy.

It is to be hoped, however, that the house cleaning will not stop there. Every state in the union should see to it that not only its own citizens but the innocent stranger within its jurisdiction is given the full protection supposed to be guaranteed by the law.

We have grown entirely too lax in filling our minor offices. It doesn't matter how limited the jurisdiction of a court, the man who presides over it should not only be just and know the law, but he should be possessed of a discriminating mind capable of intelligently interpreting and applying the law.

No man who dares not himself respect the law should be commissioned to enforce it. Brute strength and physical courage are not by any means the only requisite for a peace officer or a process server.

The courts of our land, from the highest to the lowest, are established for protection, not for persecution; for the benefit of the people, not for the personal gain of the officers; for justice, not for revenue.

A mercenary judge and a grafting court attache, using the codex and their commissions for a legal screen, are a far greater menace to society

than the highwayman who operates behind a black mask and enforces his commands at the point of a gun.

If the untimely death of Martin Tabert should result in a proper revision of the statute books and scourging from office the unworthy, he will have performed for his country a service even greater than that performed on the battlefields of France.

CONVICT PROBE IS DELAYED 1 WEEK

Postpone Investigation Into Conditions at Lease Camps Owned by Florida Senator Knabb.

The Constitution
Tallahassee, Fla., May 1.—(By the Associated Press.)—The investigation into prison conditions at the convict lease camps owned by state Senator T. J. Knabb, met with a one-week delay today when Senator Knabb informed the joint legislative committee, which will conduct the inquiry, that it will take at least one week before he could summon all of his witnesses. He told the committee he would be ready next Tuesday morning.

Senator Knabb was informed that there were no allegations against him directly but that it was the purpose of the committee to go into conditions based on reported brutalities at all of his convict camps located in Baker county, and especially the case of Paul Revere White, of Washington, D. C.

The legislator, who is serving his first term in the upper house of the general assembly, declined to make a statement as to the defense he would offer. He declared he was confident of obtaining a "clean bill." Mr. Knabb said he still retained several of his convict camps and at the present time worked many convicts.

Summon Witnesses.

The committee also proceeded to summon many witnesses and devoted some time to reading over the records submitted by the prison division of the department of agriculture. The contents of these records are reports made to the department by J. B. Thomas, a prison supervisor, and correspondence between W. A. McRae, commissioner of agriculture and Senator Knabb, relative to these reports.

Before the committee entered upon the Knabb case this afternoon several witnesses testified as to the sobriety of County Judge B. F. Willis, of Leon county, whom Governor Hardee already has recommended to the senate to be removed from office. The committee last week heard testimony and re-opened the hearing today to

permit other witnesses to testify.

A summary of the testimony adduced from W. L. Cooksey, former special officer of the Seaboard Air-Line railroad; Robert McGuird, Jerry Poppell, former county jailer; W. R. Growder, a fellow church member of Judge Willis, and J. M. Smith, a city policeman, was that the county judge was an intemperate user of whiskey during the year of 1922.

Condition of Official.

All of the witnesses claimed they had called upon the county official and found him in no condition to transact business, while Cooksey declared the judge offered him a "drnk of yellow colored liquor." Poppell testified that "most all of the liquor I drank with the judge was red stuff and made in Georgia," and McGuird declared both the judge and his office were "highly perfumed with the scent of liquor."

A hearing by the senate committee, composed of Senators Stokes and MacWilliams, on the governor's recommendation to oust Judge Willis from office, will be held tomorrow afternoon. Judge Willis was cited before the committee on the charge of having entered into a collusion with Sheriff J. R. Jones in connection with the leasing of convicts to the Putnam Lumber company. Martin Tabert of North Dakota, died while under lease to the lumber concern of alleged brutal treatment. The senate has already approved the governor's recommendation to remove Jones from office.

Welcomes Investigation.

Senator Knabb today reiterated that he welcomed the investigation of his camps, and declared he realized that the evidence will be against him at the outset, but that he would give his side at the proper time.

The committee in reading extracts from the records in the case today pointed out some of the correspondence between Supervisor Thomas, Commissioner McRae and Baker county officials. In one letter Commissioner McRae stated conditions were bad at the Knabb camps, and that he received a complaint from Supervisor Thomas that "prisoners are not getting enough to eat and are faring pretty badly."

In another letter to Baker county officials, Mr. McRae said "I have had a great deal of trouble with Mr. Knabb's convict camp and have waited patiently for conditions to improve. I would revoke the commission of his captaincy, but I am inclined to think that Mr. Knabb himself in this case is more to blame than the captain. Something has got to be done. Prisoners can not be kept at a camp and worked without having plenty to eat if I can help it. I gather from Mr. Thomas' report that they are not getting half enough to eat now."

Treatment Outlined.

John Roddenbury, "whipping boss" at the Knabb camps, recently was indicted for cruelty to prisoners by the Baker county grand jury. In a letter from Thomas to Mr. McRae, alleged brutal treatment is outlined:

"I visited Mr. Knabb's camp last Sunday. Found 36 prisoners, 6 whites. I found on a number of these prisoners where the skin was broken in several places from the strap. I found several of them with

bare feet and unable to work. One man has been sick ever since he had come to the camp, and, in my opinion, he won't live very long. I insisted that he be sent back to the jail in Alachau county where he could have better treatment. Captain Roddenbury said he would get him off as soon as possible.

"There was not a man in the camp that had a change of clothing. They were all black and dirty, and some of the prisoners looked as if they had not had a bath in three months. I took this up with Captain Roddenbury. He said he could not give them a change in clothing, as he did not have the clothes. I showed him conditions of the men, and called his attention to everything that was wrong.

Afraid to Answer.

"The prisoners seemed to be afraid to answer any questions I asked them. They seemed to be afraid to strip when I ordered them to do so. So I stripped every man. The captain promised to have everything in better condition when I returned."

Shortly after this letter Thomas filed a report with the agriculture commissioner in which he declared that it was, in his opinion, Senator Knabb was "running a human slaughter pen." This report caused Senator Knabb's lease contracts to be cancelled and he was ordered to appear before the governor and agriculture commissioner. After a hearing the officials decided to allow Mr. Knabb to re-lease the prisoners.

Later Thomas issued a statement to the effect that the reports signed by him had been greatly exaggerated and virtually retracted his first report. This statement, however, was not filed officially with the agriculture department, but was given to newspaper men by Thomas.

The committee announced today that much time will be devoted to the testimony of Thomas.

GUARD IN PEON CAMP SAW 200 BEATEN, HE SAYS

N.Y.C. CALL

APRIL 22, 1923

Floggings Laid on From One to a Dozen Times Each, Witness Declares at Florida Hearing.

ANOTHER WHIPPED 28

Tabert's Body Was Pulpy Mass When He Was Buried, Probers Are Told.

TALLAHASSEE, Fla., April 21.—Without a minister to read a burial service, without a prayer or sermon being given, Martin Tabert was laid away in a lonely water-soaked grave, Arthur Johnson, a Negro, testified before the legislative committee investigating Tabert's death late today.

Johnson, who declared he helped lower the rude coffin into the grave and pack the damp earth on the top, is a former cook at the Clara, Fla., camp, where Tabert died from alleged brutal treatment at the hands of Walter Higginbotham, "whipping boss."

Refuting testimony given by witnesses before the legislative committee Thursday, Johnson declared that Tabert's burial was witnessed by only four Negroes and that there were no women present. He also testified that Higginbotham had been drinking heavily on the afternoon preceding the whipping from which Tabert is alleged to have died.

Johnson to Reappear.

At the conclusion of Johnson's testimony counsel for the Putnam Lumber Company, which operates the Clara Camp, asked that the committee visit the scene of Tabert's grave and have Johnson point out the spot where he is buried. The committee is expected to go Monday. Johnson has been ordered to reappear at 9:30 o'clock Monday morning.

The investigation into the alleged whipping to death of Tabert, which was expected to end with today's tes-

timony, will be carried over until at least Monday afternoon, it was thought tonight. Several additional witnesses have been announced to appear Monday.

Further details of the whipping of Tabert were recited when W. B. Bell, an ex-guard at the camp, took the stand this afternoon. Bell, who witnessed the flogging, declared that Higginbotham struck the youth 119 blows with the lash, telling him, "I'll put you to work or in your grave."

Skin Was Broken.

During the whipping Tabert screamed for mercy, Bell said. When he cried out, "Lord have mercy on me!" Higginbotham struck him again, telling him, "Don't call on the Lord; call on me, I'm doing this."

Tabert's skin was broken in several places and his scalp was lacerated after Higginbotham flogged him, J. W. Jackson, another ex-guard at the camp, testified.

W. W. Matthews of Carver, Fla., who was employed as guard at the time the youth was whipped, testified that he did not witness the flogging, saying he was convinced by a "Mr. Reeves" an hour before he went on the stand that the man he saw flogged was named Boatright.

200 Men Whipped.

When he finished his testimony, Matthews was held on the stand for cross-examination. He declared he had not talked with either North Dakota attorneys or those representing the Putnam Lumber Company. Questioning brought out the admittance that he had seen upward of 200 men flogged in the camp from one to a dozen times each day.

J. B. Burch, of Perry, Fla., now a farmer, but at one time a "whipping boss," in a Florida convict camp, followed Matthews on the stand. He declared he had whipped 28 convicts himself, one for "telling a lie on me," another for talking in mess hall and the remainder for not working.

The whippings averaged from 3 to 15 blows.

There is "considerable art in putting on the leather," to a convict, according to Burch. A novice might kill a man, he said.

Tom Pope, a Negro, and Wallace Rollins of Tallahassee, corroborated previous testimony that Tabert's body was a pulpy mass of broken flesh after the whipping.

With the end of the probe, the committee will then turn its attention to alleged cruelties practiced in a camp operated by State Senator T. J. Knabb, in Baker County. In an affidavit, Paul Revere White, of Washington, D. C., a former prisoner, charged Knabb with being aware of the cruelties.

WHIPPING BOSS WINS IN FLORIDA TEST VOTE

Senate Declines to Abolish the Lash in Prison Camps.

KNABB CASE IS DELAYED

State Senator Owns Convict Lease Camp. It Is Disclosed—Witnesses Testify Judge Willis "Perfumed With Liquor."

(By The Associated Press.)

TALLAHASSEE, Fla., May 1.—The Florida Senate tonight decided to postpone final consideration of a measure to prohibit corporal punishment of prisoners in this state, and in what generally was considered a test vote the advocates of banning the strap lost 3 to 10.

The investigation into prison conditions at the Knabb case camps owned by State Senator T. J. Knabb, met with a one week delay today when Senator Knabb informed the joint legislative committee, which will conduct the inquiry, that it will take at least one week before he could summon all of his witnesses. He told the committee he would be ready next Tuesday morning.

Testify on Willis.

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Knabb's Camp.

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"The prisoners seemed to be afraid to answer any questions I asked them. They seemed to be afraid to strip when I ordered them to do so. So I stripped every man. The captain promised to have everything in better condition when I returned."

WILL MAKE AUTOPSY ON BODY OF POPPELL

State to Investigate Cause of Sudden Death of Tabert Witness

TALLAHASSEE, FLA., May 1.—The state's executive department will see that a thorough investigation, if warranted, is conducted into the death of Jerry Poppell, former jailer and star witness in the legislative investigation of the death of Martin Tabert, of North Dakota, it was determined this afternoon after a conference of Representative Davis with the Governor and attorney general.

Mr. Davis carried the executive first news of Poppell's death. It is understood. Previously he had considered the advisability with Representative Kennedy, of asking that the legislature be directed to have an autopsy performed on Poppell's body. Poppell died at Quincy Saturday night while en route by motor with his family to appear before a federal grand

jury in connection with a peonage case growing out of the inquiry into Tabert's death. The immediate cause of the former jailer's death was given as apoplexy.

There was little tendency in official circles to believe that Poppell's death was brought on by other than heavy drinking of "moonshine" whiskey and little credence was given to reports that he had been given wood alcohol. The fact that Poppell had just concluded his testimony here and was on his way to give more accusations, coupled with a statement just before death, attributed to him by his widow, that he had been poisoned, prompted officials to decide upon an inquiry which will determine whether they consider further investigation necessary.

Poppell Was Drinker.

It was indicated that the attorney general might act through the county judge at Quincy and seek a statement from Dr. R. F. Goddard of Quincy, who attended Poppell.

Dr. Goddard stated over the phone last night that Poppell's death was due to apoplexy. Mrs. Poppell stated that her husband was poisoned and described his first symptoms and subsequent pains until his death. A coroner's inquest was not held at Quincy, it is understood, and when the body arrived here it was taken promptly to the cemetery and buried.

That Poppell was a heavy drinker, he frankly admitted before the legislative committee. He charged Sheriff Jones, and County Judge Willis with having gotten drunk frequently with him and also charged them with having conspired to "railroad" vagrants to the Putnam Lumber Company at Clara, Fla. It was at the Putnam camp that young Tabert is alleged to have been flogged to death. Poppell was the principal witness insofar as these two officials were directly concerned.

Jones has been ordered removed from office by the senate, upon recommendation of the governor, but is still holding on until his successor is appointed and qualified. Judge Willis is under executive recommendation for removal, but his case is still pending before a senate committee.

Judge Willis stated today that when he heard Poppell was dying Friday night, he had hoped to get a statement from him recanting his charges against that official. Poppell was unconscious, however, he said, when he called at the Quincy hospital.

SEEK THE TRUTH.

"Alabama and South Carolina have done more to better prison conditions than any two States in the Union," says Dr. Hastings Hart in a public statement issued at White Plains, N. Y., Monday. Dr. Hart is a member of the Russell Sage Foundation and a former president of the American prison association. He says, moreover, that the new Kilby prison at Montgomery was better than the prison at Sing Sing, N. Y.

It is difficult to believe that a State government which would build the best and most convenient prison in the United States would consent to the oppression and maltreatment of its criminals. And it doesn't.

convict lease system, so far as Alabama receive better food and better treatment than they do at their own homes. And no State has shown more progress in humanitarianism in the treatment of convicts than the State of Alabama. Until that time the lease system might have been said to prevail in Alabama. But, under the system adopted then the State held that convicts could not be leased and pass from under the direct control and supervision of responsible employes and agents of the State.

The effort to put Alabama on a parity with Florida in its treatment of convicts by some of our zealous reformers who see injustice where it does not exist, is itself an example of injustice to the good name of Alabama. It is, we think, a comparatively easy thing to arouse public sentiment over the treatment of convicts, but it is reckless injustice to couple Alabama with Florida in furthering this agitation. It is nothing more than right that severe critics of the good name of the State should be required to know what they are talking about when they rise and denounce Alabama for mistreatment of convicts. The good name of the State should not be destroyed in any attacks on Alabama for the lease system when the lease system does not exist. We submit this suggestion as being of vital importance that when the Alabama system is assailed and connected with the vicious and tyrannous system of Florida, that our zealous critics should know what they are talking about. They should know that the lash has been abolished in Alabama—that not even the agents of the State are empowered to use it. It is as much an offense against the law to flog a convict as it is to assault and punish a free citizen of the State on the streets. All of this should be known before we discredit and bring into disrepute the State of Alabama, as a companion of the State of Florida.

Perhaps the Legislature should investigate the disposal and use of county convicts over which the State exercises supervision in a general way, but who are reported to be sometimes leased out under old conditions. The old lease system, which existed in Alabama and which now exists in Florida, should not be permitted in Alabama. Florida today is under condemnation because it permitted the leasing of county convicts. An intelligent and common sense stand and firm determination on the part of Alabama in regulating the system of disposing of county convicts may save Alabama from a horror and from a scandal. There has not been in Alabama a convict scandal in twenty years. And ninety per cent of the convicts of Alabama

Leasing of Negro Likely to Cause Federal Action

United States District Attorney Announces Plans for Investigation.

Tallahassee, Fla., April 29.—(By the Associated Press.) The federal government has stepped into Florida's convict flogging affairs. It became known here today when Fred Cubberly, United States district attorney, announced he had under consideration making the leasing of Ned Thompson, 65-year-old negro, by J. R. Jones, deposed sheriff of Leon county, to the Putnam Lumber company, a subject of a federal grand jury investigation. An agent of the department of justice arrived here several days ago and conducted an inquiry as to whether Thompson was held in peonage. He made a report to Mr. Cubberly who is now laying plans to present the matter to the grand jury, which convenes in Pensacola during the first part of May.

Thompson is now dead—dying, it is contended, in the Leon county jail after having been leased out to the Putnam Lumber company and returned by them because he was not physically fit to perform hard labor.

Natural Causes.

Thompson's death, Leon authorities assert, was from natural causes, but federal officials are in possession of evidence, they declare, tending to show that death was due to excessive flogging he received at the lease camp before being rejected.

The aged negro came in contact with the county convict lease system through an alleged error, there being no charge against him at the time he was sent to the camp of the lumber company. A peace warrant was taken out against him by a negro woman and as the result he became mixed in with a shipment of prisoners from the jail to the logging camp.

Testimony adduced before the joint legislative committee investigating the death of Martin Tabert, of North Dakota, brought out that Sheriff Jones made a personal profit of \$23, for each prisoner leased to the company. The sheriff was ousted from office last week when the senate approved Governor Hardee's recommendation that he be removed for malfeasance.

Subject of Inquiry.

The death of Thompson has been a subject of inquiry by the legislative committee. Two doctors have testified to having treated the negro, and one gave the cause of death as tuberculosis. Sheriff Jones denied the negro had been leased out, while Jerry Poppell, former jailer told the committee the negro was sent to the camp and later brought back with his back lacerated from many licks from a whipping boss' strap.

It also became known today that federal agents have worked extensively in investigating alleged peonage conditions among the lumber camps in this section, particularly in the territory in which the Putnam company operates. The inquiries of these agents have never been laid before a grand jury, it is understood.

Reconvene Tuesday.

The legislative committee will reconvene Tuesday morning, re-opening its inquiry into the office of county Judge B. F. Willis, of Leon county, who is charged with having entered into a collusion with Former Sheriff Jones in connection with the leasing of prisoners to the Putnam company. After the Willis case is disposed of the committee will enter upon reported brutalities at the private lease convict camp formerly owned by State Senator T. J. Knabb, near MacClenny.

URGES REMOVAL OF COUNTY JUDGE

Governor of Florida Takes Action as Result of Probe of Recent Death of Convict.

BY THE ASSOCIATED PRESS.

Tallahassee, Fla., April 30.—Governor Hardee today recommended to the senate that County Judge B. F. Willis be removed from office on charges of malfeasance growing out of the death of Martin Tabert, of North Dakota, in the private convict lease camp of the Putnam Lumber company, at Clara. He was the second official of Leon county to be recommended for removal by the executive as a result of Tabert's death.

The senate took its usual course in handling the governor's recommendation. It went into executive session and then a committee of two, consisting of Senators Stokes and MacWilliams, was appointed to make a report on the recommendation.

The two senators are members of the joint investigating committee who

received testimony on which the governor's recommendations was based. Mr. Stokes said tonight he would communicate with Judge Willis in order that the official might prepare his defense. Judge Willis was charged in this testimony before the committee with having conspired with Sheriff J. R. Jones to "railroad" men to the camp of the Putnam Lumber company at Clara, for which the sheriff admitted he received \$20 a head. Intemperate use of whisky was also charged against the judge.

Sheriff Jones was removed from office last week.

The governor's message carried with it a transcript of the testimony before the committee and said that he was "satisfied that it fully justifies and sustains a charge of malfeasance and drunkenness on the part of Judge Willis. I therefore recommend his removal from office."

McRae is Assailed.

The assertion that Commissioner of Agriculture W. A. McRae, was indirectly responsible for prison conditions as disclosed in the investigation of the death of Martin Tabert, of North Dakota and the immediate resentment of other senators who set forth that the governor had as much authority as the agricultural commissioner in the supervision of convicts, marked the senate debate this afternoon of the measure to abolish corporal punishment.

Final consideration of the measure with the uncertainty of its outcome went over until tomorrow.

The statement regarding the commissioner of agriculture was made by Senator W. A. MacWilliams, a member of the joint legislative committee, looking into the ill-treatment of convicts in pleading that the whip be banned. Mr. MacWilliams declared that he had resented at first the action of the North Dakota legislature in petitioning the Florida legislature to inquire into Tabert's death, but after hearing the gruesome recitals of the last few weeks, he asserted, he now wanted to thank that state for bringing the matter to Florida's attention and giving it a chance to clean house.

The commissioner of agriculture prescribes the rules and regulations for the treatment of prisoners, he said, and it was under his supervision that the mistreatment of prisoners had been practiced. Instantly Senator W. W. Phillips jumped to the floor and pointed out that the rules and regulations were made with the full approval of the governor and the board of commissioners of public institutions, while Senator B. S. Lindsey, shaking with emotion, said he knew Senator MacWilliams would not intentionally give a misleading statement and in fairness to the agriculture commissioner, he recited a recent case where that official, he said, tried to have discharged a prison guard charged with brutality and the state road department refused to remove him with the apparent consent, according to Mr. Lindsey, of the governor. The guard was later removed, Mr. Lindsey declared, and then given a promotion by the state road department.

Will Probe Camp.

Prison conditions at the convict lease camp formerly owned by State

Senator T. J. Knabb and located in the northern section of Florida will be investigated by the joint legislative committee tomorrow. This committee last week concluded its inquiry into the death of Martin Tabert, of North Dakota which has resulted in sweeping legislative reforms.

While members of the senate today fought pro and con over the adoption of a bill to prohibit corporal punishment in convict camps, clerks in the prison division of the department of agriculture were compiling records pertaining to what is known as the

"Knabb investigation." The records will be available when the committee assembles tomorrow.

Reported brutalities at the Knabb camp already have resulted in the Baker county grand jury returning an indictment against John Roddenbury, said to have been employed there as a "whipping boss." Roddenbury is charged with cruelties to prisoners based on alleged inhuman treatment received by Paul Revere White, of Washington, D. C., who was convicted for vagrancy, sentenced to six months' imprisonment and leased to the Knabb camp.

DAKOTA LAWYERS TO AID IN PROSECUTION

Governor Nestos Names Attorneys to Help Probe Death of Tabert

TALLAHASSEE, FLA., April 15.—Governor Nestos, a state attorney and W. A. McRae, a state judge, of North Dakota, today were appointed by Governor Nestos of North Dakota, as assistant attorneys general to represent that state in the investigation now being conducted by the Florida legislature into the death of Martin Tabert of Munich, N. D.

Governor Nestos' appointment came by telegraph from Battle Creek, where the chief executive is spending a few days. Mr. Grimson and Judge Kneeshaw have in their possession evidence which was presented to the North Dakota legislature, resulting in that body adopting a resolution requesting this state to investigate the conviction, leasing and death of Tabert.

Tabert, arrested here late in 1921 on the charge of vagrancy, was sentenced to serve three months at hard labor or pay a fine of \$25. Unable to pay his fine he was leased to the Putnam Lumber Company at Clara, Fla., where, while ill, it is charged, and unable to perform manual labor, Tabert was whipped by Walter Higginbotham, a convict camp boss, now under indictment for murder in connection with the case.

Legislature Gets Busy

Evidence gathered in connection with the Tabert case has resulted in the legislature devoting much of its time to the state's convict system, and a popular clamor for the abolition of county convict leasing and corporal punishment.

Indications are that there is a joint investigation being conducted by the house last week to empower a joint investigating committee to make a state wide inquiry into the case of Tabert. A concurrent resolution is being introduced to make a state wide inquiry into the case of Tabert.

FLORIDA TAMES A BRUTE

Lake City, Fla., July 14.—Thomas W. Higginbotham, the whipping boss of Florida, who has been in trial here for the brutal whipping resulting in his subsequent death of a young North Dakota boy (white) named Tabert, was found guilty by a jury, and was sentenced to serve 20 years at hard labor and to pay a fine of \$5,000. It was charged the trial that Higginbotham had severely beaten many Negroes, but this charge was not pressed against him when he was found guilty of beating to death the white boy.

SWEAT BOX AND STAKE ARE NEW FLA. TORTURES

Convicts on Road Gangs

Are Clamped In Coffins

In the Sun

STAKE IS HORROR

7-27-23

Naked Men Faint After Half

Hour Exposure to Sun and

Mosquitoes

Cocoa, Fla., July 26.—Bosses of convict labor gangs, denied the right to use the lash since the tragic death of Martin Tabert caused the Florida Legislature to pass an anti-whipping law, have obtained new expedients to extract obedience from their charges.

The "sweatbox" is the new torture for prisoners who are striped road workers, while the colored convicts on the same sort of work are given an even more cruel type of punishment.

A close-up of the "sweatbox," however, demonstrates that it is quite effective. This correspondent today visited a convict camp on State road No. 4, which is being pushed through the palm-bordered swamps and the live oak hummocks

of Brevard county. There were seven "sweatboxes" at this particular camp and all of them were occupied at some time or other.

BARELY ROOM FOR ONE

Picture a plain wooden box, made out of rough pine lumber. It is just high enough for a medium sized man and not wide enough to permit anyone to sit down or even bend over. A fraction of an inch separates the occupant's head from the roof. The roof is made of galvanized iron. There are no windows in the box, and the only fresh air is that which seeps through the cracks.

The "sweat box" is trundled out under the broiling sun of midsummer in Florida and the recalcitrant convict is made to enter it. A pint bottle of water and a portion of bread is placed on the floor. The inmate can reach it only by the most difficult contortions. Before many hours one may hear feeble calls for help from within the box. When a man is released his clothes usually drip with perspiration, and his face bloated and red, shows the agonies he has undergone.

In the colored camps the disobedient convicts are given short shrift. When a convict says he is unable to work—and illness is not accepted as an excuse either from whites or blacks—he is at once stripped to the waist, hand-cuffed to a pine tree, and so placed that his bare back receives the full force of the sun's rays.

PREY OF MOSQUITOES

The handcuffed man is the prey of the swarms of mosquitoes and other insects that abound during the summer months along the flat, swampy lands of the east coast. While residents of the locality will not think of stepping outdoors without protective veils, he stands bared to the sun with his back covered by the blood-sucking insects. Not a man is said to have been able to stand the torture for more than a half hour.

Hard physical labor here is a terrific strain on the strongest men even under the most favorable possible conditions. Every Florida swamp is a "dismal" swamp. The sun drives back in a terrific glare from the white shell and coral roads and from the pools that gather in the live oak thickets.

In addition to the mosquitoes and sand fleas, moccasins and other poisonous snakes abound. In some sections it is necessary to burn the underbrush before a gang of workers to clear the creeping reptiles from their path.

THE MADMAN OF FLORIDA.

The conviction and 20-year sentence given Higginbotham, the "whipping boss" of Florida camp, is a victory for law and order in a state where it was least expected.

It was Higginbotham who whipped a young white boy with a 3-pound leather strap until the boy became unconscious, later dying from the effects of the beating.

Our contempt for this brute rises to the boiling-over point when we realize that his brutality was not inspired by prejudice or race hatred alone. He was a brute at heart, a madman of the most dangerous sort. He has no place in this civilization; his day was in the years gone by, the dark, troublesome days of slavery.

Truly, he was well qualified for the job he held—"whipping boss." Besides the merciless beating he administered, evidence showed that he often knocked his victims to the ground, placed his foot on their necks and then lashed their bare backs until they became insensible to pain. 7-14-23.

Their cries for mercy meant nothing to him. With a fiendish grin, like the imp that he is, he became more brutal.

The treatment accorded Tabert, the young white boy, came to light. But what of the thousands of Negroes who have been sent to this camp for years and years? What of the big, robust men who were sent there but who, shortly afterward, were reported as dead? They were Negroes. Their skins were black. They counted for little, yea nothing, in the eyes of southern men of power who could have stopped this thing before now.

The warped, stunted souls of white legislators in Florida were too narrow to abolish a system under which Negroes were the chief sufferers. It took the blood of a white American to bring these things to light; to bring eternal shame to Florida; to bring abolition of a system as cruel and heartless as any under the Spanish Inquisition.

These Florida camps were known and accepted institutions of the state. Within the walls of these camps civilization did not dwell. Within those walls human kindness, mercy and brotherhood found no home. All was work—hard, unending work—and the pay a hunk of bread and a dish of sour beans.

Knowing all these things, who is there whose face is black who dares lift his voice against migration northward? Whose soul so cramped, whose vision so benighted that he says one word against the coming to better lands of that host of mistreated people? Who can sing of better times in a land where the ballot, the only means of betterment, is denied our people?

The views of these mongrels within the race who would have men and their children stay, suffer and die in a land under conditions which try their very souls are distorted views; their views are putrid, fratricidal, impossible.

As Higginbotham goes to jail the blood of his countless victims shall cry out to his soul, if such he has. His life shall be a series of recollections of the innocent lives he snuffed out, without cause, without mercy, without fear of punishment.

Florida, in convicting him, has washed but little of the blood of innocent men from her hands. Let Florida go the whole way. Let Florida finish the matter now. Let Florida purge herself freely of crime against civilization and all crime's remnant by passing the Dyer anti-lynch bill and thus protect all her citizens against the unchained passions and hatred of unthinking men.

TABERT'S DEATH EMANCIPATES PRISONERS AND BLACKS.

Martin Tabert, a North Dakota boy, who was caught stealing a ride on a freight train and sentenced to the penitentiary, was sold into the slavery of a lumber camp and whipped until he was reduced to death. This incident produced an investigation on the part of politicians and newspapers and led on by The New York World agitation, resulted in the passage of a state law abolishing the convict leasing system, removing a county judge, the condemnation of a medical officer, the indictment of the sheriff and lumber superintendent who bartered for Tabert's peonage, and the dismissal of a prison inspector.

Saturday, a jury at Lake City, Fla., found the whipping boss, Thomas W. Higginbotham, guilty of murder in the second degree. He was sentenced to 20 years in prison. These disgraces had been going on all the while, but Negroes were mainly the victims. The avenging of Tabert's death is another emancipation of Florida convict Negroes. Too bad it had to come like this, but Providence always has a way. Throughout the south, prison reforms were begun and the spirit of this North Dakota boy still goes marching on.

The Nation
7-18-13
New York City
IN another part of the South a Southern jury has gone far to rehabilitate confidence in Southern justice. Martin Tabert of North Dakota was a white boy, but he fell victim to a convict-leasing system from which Negroes suffer even more, and the same forces which make it well-nigh impossible to convict lynchers in the South fought to exonerate Thomas W. Higginbotham, the whipping boss who flogged Tabert to death. The Lake City, Florida, jury which convicted him of second-degree murder carried on the work of the legislature which swept the leasing system from its statute-book. The jurors honored Florida and themselves.

Crime - 1923

PRISONS COMMITTEE TAKES UP PEONAGE

Adolph Lewisohn and Hugh
Frayne Offer Aid to
Governor of Florida.

Adolph Lewisohn, President of the Frayne, Vice President of the Committee on Prisons and Prison Labor, made public a copy of a letter to Gov. Hardee of Florida, assuring fullest co-operation of the committee on Prisons and abolishing the evils of the decision to offer Governor of Florida meeting of the Board the National Committee Prison Labor in the Lewisohn. In their Hardee, Mr. Lewisohn suggests that the gift salaries are so not attract a type a little better than the letter was Governor Hardee be Committee on Prisons felt it was incun organization to bring of Florida a said a representative Committee on Prisons "Dr. E. Stagg" the turpentine when he visits Florida and of tions described ports are nothing just as bad as trip of inspect showed that was one of the try today.

If Governor Hardee's reply to a letter of the National Committee on Prisons and Prison Labor is favorable, the committee will probably send a representative to Florida to assist in the development of a constructive penal system. The abolition of the leasing system would accomplish little, it was said, if it left the convicts idle. The committee is desirous of having the proper kind of work provided for the convicts, and it suggests that such work should be under State supervision.

Convict Clothing And Boss' Whip Shown to Solons

Florida Legislators to Consider Banning Lease System Next Wednesday

Tallahassee, Fla., April 13. (By The Associated Press.)—The lowly convict, who has been the subject of investigation because of alleged cruel

treatment administered in private convict camps of the state, had his inning in the lower house of the state legislature today during the discussion of the death of Martin Tabert. Tabert, a native of Munich, N. D., is alleged to have died under the lash of a convict camp boss in Dixie county.

Threadbare clothing, splashed with swamp muck, distorted and mismatched shoes and other garments belonging to the convict's garb were cast upon the floor of the lower house and a whip used for flogging prisoners was passed from one member to another for examination.

A stirring scene was enacted as the house moved to make a special order of business for next Wednesday the consideration of measures looking to the abolition of the convict lease system and the prohibiting of corporeal punishment.

In the meantime the joint investigating committee named to investigate the conviction, leasing and death of Tabert, as requested by a resolution adopted by the North Dakota legislature, recessed in the middle of an examination of Sheriff J. R. Jones, of Leon county, after having been in session for less than one hour. It was announced later that the committee would get down to business Tuesday morning.

Fireworks were looked for in the senate today over the house concurrent resolution seeking to broaden the scope of the investigating committee so as to make it a state-wide inquiry into county camps. The resolution went into the unfinished business hopper when Senator B. H. Bonifay sought to amend the resolution in order that the committee be empowered to investigate alleged cruelties at convict camps controlled by the state and not be confined to county camps only.

The upper house recessed until over the week-end before. Senator Lindsey's amendment could be drawn up.

Exhibits Strap.

The resolution was aimed at investigation of a camp said to be the property of State Senator T. J. Knabb and located at MacClenny, Fla. To show that he welcomed an investigation Senator Knabb pounced on his feet and moved the adoption of the resolution.

Representative Nathan Mayo, chairman of the house convict committee, stirred the house into action when he produced convict paraphernalia, including the whipping strap, which he said was four feet long and two and a quarter inches wide, weighing a pound.

The last was the center of attention. As explained by Mr. Mayo, it was loaded at the handle end and he said that he did not think such an instrument could inflict serious injury. He added, however, that he had been informed that it was a frequent practice to treat the strap with syrup and oil and drag it in the sand to give it more "effectiveness." The representative said that he understood that the flogging instrument used in whipping Tabert at the camp of the Putnam Lumber company, at Clara, Fla., weighed seven and a half pounds.

Tabert, it is charged, was whipped

so severely by Walter Higginbotham, the camp boss, that it produced death. Higginbotham is now under a first degree murder indictment. Turning his attention from the strap, the convict committee chairman displayed a pair of ragged shoes and a striped object that resembled convict breeches. Holding these aloft, he moved that the rules be waived and the measure seeking the abolition of the lease system and corporal punishment be passed at this time.

Provisions of Bill.

The bill provides that no more convicts be leased to private firms, but that in small counties when the number of convicts is insufficient to maintain a camp, convicts could be leased if so desired.

It was after Mr. Mayo waived the tattered garment, the legs of which were cut off at the knees and into shreds, and termed by him a "good bathing suit," that the house decided to take action on the bill next Wednesday.

The state of Georgia's system of handling convicts was used as an illustration by Representative Fred H. Davis, who offered an amendment to Mr. Mayo's which would prevent flogging.

"Let's go at it right while we are at it," exclaimed Mr. Davis. "Most of the other states in the union and even Georgia has discontinued corporal punishment," he declared.

The representative from Leon county related that these states based their action on the constitution of the United States, which cites that "no cruel or inhuman punishment shall be inflicted for any cause," he said.

FLORIDA LEGISLATURE TAKES UP PEONAGE CASE

Assembly Committee to Consider
Tabert Inquiry — Governor
Wants Contract Leases Ended.

Tallahassee, Fla., April 4.—The lower house of the Legislature today voted to refer to a committee the resolution from the Legislature of North Dakota on the death of Martin Tabert, a convict under the lease system. The committee of five which will consider the resolution will report tomorrow whether it believes the House should institute an investigation of the death, which occurred in 1921. There were but three dissenting votes.

The North Dakota Legislature's resolution calling for a full investigation of Tabert's death as the result of alleged brutality in a private convict camp in Dixie County, after he had been sentenced from Leon County for riding a freight train, was presented to the House before it went into joint session with the Senate to hear the Governor's message.

Representative Davis of Leon immediately moved for the appointment of a committee. Amos Lewis of Jackson vigorously opposed it, saying that it was a judicial matter and not a question for the Legislature.

J. E. Stokes of Bay, who has a measure ready for introduction, abolishing the leasing privilege, seconded Mr. Davis's motion, saying that he agreed

Florida

with Mr. Lewis that it was unfortunate that the subject had come to the Legislature, but that the "buck had been passed and could not be side-tracked." Several members asserted that they knew the details of Tabert's death and said that when they became fully known they would shock the State from one end to the other.

Representative L. E. Wade said that the case might have been a matter for the courts at first, but that when the courts and jurists failed to function, it became the duty of the "court of the people," the Legislature, to take matters in hand. Forrest Lake of Seminole County pointed out that the Sheriff of Leon County was charged with having failed to free Tabert after money had been sent to pay his fine.

The North Dakota resolution which later presented to the Senate which voted to defer action until the House had acted.

Governor Hardee in his biennial message recommending the abolition of the county convict lease system, digressed to mention the Tabert case as one of the "unfavorable" things growing out of it.

Former Convicts To Testify Today In Death Probe

Grand Jury Investigating
Case of Boy Who Died in
Camp in Florida.

BY THE ASSOCIATED PRESS.

Madison, Fla., April 10.—Former convicts who claimed to have been flogged and former guards in the camp where the floggings took place, will testify here tomorrow before the Madison county grand jury investigation into the death of Martin Tabert, North Dakota youth who died while serving a prison sentence in this state last year.

G. Grimson, state's attorney of North Dakota, and Judge W. J. Kneeshaw of that state, who are here to assist in the prosecution, conferred here tonight with Florida authorities in regard to the presentation of the case to the grand jury.

State's Contention.

The state, it is understood, will contend that Tabert was a victim of a whipping administered at the camp of the Putnam Lumber company at Clara, Fla., and will ask for the indictment of Walter Higginbotham, convict camp boss, who is held on a charge of murder in connection with the case. Higginbotham was brought here today from Dixie county, where the alleged crime is said to have been committed.

Tabert died after he had been convicted of beating his way on a train. He was sentenced to three months and later leased to the lumber company to work out the time. Officials of that concern claim that death resulted from a complication of diseases. The state, it is said, will introduce witnesses in an effort to show that death was due to a severe whipping administered by Higginbotham while Tabert was sick and too weak to work.

The representatives of North Dakota, it is said, will submit evidence to the grand jury tending to show Sheriff J. R. Jones, of Leon county, and other county officials had entered into collusion with railroad detectives to arrest men riding through that county on freight trains, have them sentenced by the court and then leased to the lumber camp.

Claims Evidence.

Attorney Grimson asserts that he has evidence to prove that Sheriff Jones had arranged with the Putnam Lumber company for the payment of \$20 "sine money" for all able-bodied men that he could pick up and deliver to the lumber camp in the swamps for 90 days.

Higginbotham denies the charge against him, and says he is not worried over the outcome of the investigation. He did not deny applying the lash to Tabert or other convicts, but he declared that the punishment inflicted upon the North Dakota boy was light and not sufficient to have caused death.

A former convict named Johnson, who was in the camp with Tabert, is expected to appear before the grand jury. He is said to be one of the state's principal witnesses. It is said that he prepared Tabert's body for burial.

No Record Found Of Burial Permit In Convict Probe

Florida Legislative Committee Plans to Disinter Tabert's Body.

Tallahassee, Fla., April 23.—(By the Associated Press.)—No record of a burial permit for Martin Tabert, of North Dakota, who died in a county lease convict camp, can be located by the Florida state board of health, the joint legislative committee inquiring into the youngster's death and other reported prison brutalities, was notified today by Dr. Raymond C. Turck, state health officer.

Immediately upon being informed by Dr. Turck the committee voted to appoint a subcommittee to go to the Mingo cemetery and other places near Clara, Fla., where Tabert is said to have been buried, and exhume the body. A disinterment permit has been granted the committee by the state health officer.

Late today the committee virtually concluded hearing evidence in the Tabert case with the exception of awaiting a report from its subcommittee which will leave here Wednesday for Clara. The subcommittee will take along Arthur Johnson, a former convict, who declared he and three other men buried Tabert in a spot other than the place designated by witnesses appearing for the Putnam Lumber company, at whose lease camp Tabert met his death.

No Record of Death.

Dr. Turck informed the committee

that the state board of health had no knowledge that Martin Tabert died in Florida until the information was revealed through the newspapers. Investigation is now pending to find who was responsible for filing the death certificate and reporting the casket sale.

Dr. T. Capers Jones, physician for the Putnam Lumber company, has testified before the committee that he made out a burial permit, giving the cause of Tabert's death as being due "primarily to pneumonia with a complication of malaria." This, the doctor said, was incorrect, he explaining the purported false entry by saying he did not care to embarrass Tabert's parents.

The physician said the real cause of the youth's death was pneumonia and a social disease complication. Other witnesses have testified there was no evidence of Tabert having the latter disease.

On being cross-examined Dr. Jones admitted that at the time of Tabert's death he did not know whether he had any relatives nor did he know from what state the youth came.

Dr. Jones stated today he was positive he made out a burial permit. In an effort to be sure, he said, he had telegraphed to the board of health and was surprised to learn there was no record of any such permit. Dr. Jones said he was unable to account for the lost record.

Senate Acts Promptly.

Tallahassee, Fla., April 23.—The Florida senate acted promptly today on the first recommendation to grow out of the legislative investigation of the death of Martin Tabert of North Dakota—the recommendation of Governor Hardee that Sheriff J. R. Jones of Leon county be removed from office.

Jerry M. Poppell, former jailer testified Saturday that Sheriff Jones on signing an agreement with the Putnam Lumber company in which he was to receive \$20 for each prisoner he delivered, told him and other deputies to "get busy for this means money for me." Tabert died while under lease to the company. The governor submitted his message recommending that Jones be removed for malfeasance in office shortly after the senate reconvened at four o'clock this afternoon.

The senate went into executive session to consider the message, and remained behind closed doors for one hour and 35 minutes, at the end of which time President Turnbull announced that he had appointed a committee to report on the governor's message. Sheriff Jones will have the opportunity of appearing before them in the light of their new standing. Earlier today members of the investigating committee had stated they were unanimously in favor of the sheriff's removal.

**Leasing of Negro
Likely to Cause
Federal Action**

United States District Attorney Announces Plans for Investigation.

Tallahassee, Fla., April 29.—(By the Associated Press.)—The federal government has stepped into Florida's convict flogging affairs it became known here today when Fred Cubberly, United States district attorney, announced he had under consideration making the leasing of Ned Thompson, 65-year-old negro, by J. R. Jones, deposed sheriff of Leon county, to the Putnam Lumber company, a subject of a federal grand jury investigation. An agent of the department of justice arrived here several days ago and conducted an inquiry as to whether Thompson was held in peonage. He made a report to Mr. Cubberly who is now laying plans to present the matter to the grand jury, which convenes in Pensacola during the first part of May.

Thompson is now dead—dying, it is contended, in the Leon county jail after having been leased out to the Putnam Lumber company and returned by them because he was not physically fit to perform hard labor.

Natural Causes.

Thompson's death, Leon authorities assert, was from natural causes, but federal officials are in possession of evidence, they declare, tending to show that death was due to excessive flogging he received at the lease camp before being rejected.

The aged negro came in contact with the county convict lease system through an alleged error, there being no charge against him at the time he was sent to the camp of the lumber company. A peace warrant was taken out against him by a negro woman and as the result he became mixed in with a shipment of prisoners from the jail to the logging camp.

Testimony adduced before the joint legislative committee investigating the death of Martin Tabert, of North Dakota, brought out that Sheriff Jones made a personal profit of \$23, for each prisoner leased to the company. The sheriff was ousted from office last week when the senate approved Governor Hardee's recommendation that he be removed for malfeasance.

Subject of Inquiry.

The death of Thompson has been a subject of inquiry by the legislative committee. Two doctors have testified to having treated the negro, and one gave the cause of death as tuberculosis. Sheriff Jones denied the negro had been leased out, while Jerry Poppell, former jailer told the committee the negro was sent to the camp and later brought back with his back lacerated from many licks from a whipping boss' strap.

It also became known today that federal agents have worked extensively in investigating alleged peonage conditions among the lumber camps in this section, particularly in the terri-

tory in which the Putnam company operates. The inquiries of these agents have never been laid before a grand jury, it is understood.

Reconvene Tuesday.

The legislative committee will reconvene Tuesday morning, re-opening its inquiry into the office of county Judge B. F. Willis, of Leon county, who is charged with having entered into a collusion with Former Sheriff Jones in connection with the leasing of prisoners to the Putnam company.

After the Willis case is disposed of the committee will enter upon reported brutalities at the private lease convict camp formerly owned by State Senator T. J. Knabb, near MacClenny.

CONVICT SCANDAL AROUSES FLORIDA

Reformers Marshaling Forces for Fight to Abolish Corporal Punishment and Lease System.

Tallahassee, Fla., April 14.—(By the Associated Press.)—Alleged mistreatment of convicts in Florida remained the subject of foremost discussion during the week-end recess of the legislature here today with prison reformers marshaling their forces for the expected fight for proposed legislation to abolish the whip, along with the county convict lease system. They consider their fight as good as won in so far as the lease system goes, but their efforts to do away with corporal punishment is slated for some opposition, if present indications hold good.

The possible scope of the legislative inquiry, started last week and now halted over the week-end, was enlarged today when Senator H. B. Lindsey began gathering material in support of his effort to change the investigating committee with an inquiry into all reports of convict abuses, whether they be state or county prisoners.

The point seems to be lost in all the excitement growing out of the death of Martin Tabert, of North Dakota, alleged victim of a private boss-whip. Mr. Lindsey stated today that like abuses can occur just as well in state camps.

Supervision of State.

The private camps are maintained under the supervision of the state, he declared, and when you abolish the county lease system, there is no assurance of good treatment, necessarily, for the prisoner. The human element is still involved, he said. Mr. Lindsey did not say that he favored the abolition of the whip, but made known that he wanted a thorough study of conditions now that the thing is under fire. And in his studies he unearthed the efforts of Commissioner of Agriculture W. A. MacRae, to have re-

moved since last January a state convict boss in Duval county, alleged in several reports to the commissioner by State Prison Inspector J. B. Thomas, to have carried on brutal practices.

Thomas' periodical reports dealing with the boss, C. L. Denmark, of state road camp No. 11, began last November at the instigation of Mrs. W. C. Jennings, prison reformer of Jacksonville, who forwarded reports here that one man had been beaten on the highway, 50 or 60 lashes being administered.

Thomas' first investigation could not substantiate the reports, and, according to the correspondence between him and the commissioner, made public today, he considered him somewhat inexperienced in the work of a warden, but believed he could make a "good warden out of him."

Changes Opinion.

The inspector was forced to change his opinion the latter part of December, however, the correspondence shows, and he recommended Denmark's removal. The commissioner requested H. B. Phillips, of the state road department, to dismiss him, but the chairman's belated answer, under date of yesterday, he said he had found the charges against Denmark "largely without foundation," and would not remove him, as he believed it was a move by private parties to get Denmark out of the service.

Mr. Phillips' answer came after periodical requests from the agriculture commissioner, based on recurrent reports of abuses in Denmark's camp. The reports ran the way of private charge of brutality to those contained in the prison inspector's reports. There was another letter in the correspondence from a night watchman at the camp, who quit his job through sickness at the sight he said he witnessed. In addition to the whinnies the men are alleged to have been worked at too hard a pace, so hard that no "human being" could stand up under the strain, in the opinion of Inspector Thomas.

Figure in Discussions.

Mr. Thomas also became the figure on the discussions among the legislators, in another light, because of a statement he issued Friday night, saying the reports of conditions at the private farm of State Senator T. J. Knabb had been exaggerated. A Jacksonville newspaper published in parallel columns the statement in defense of Mr. Knabb and his previous report to the commissioner of agriculture, in which he likened the Knabb camp to a "human slaughter camp." It was through Mr. Thomas' original report that an inquiry started and resulted in the indictment of a convict boss named Roddenberry, in connection with the alleged treatment of Paul White.

"Inspector Thomas' report said he found White's feet and hands were in an awful condition. I instructed Captain Roddenberry not to put him on any kind of work until his hands and feet had healed. Captain Roddenberry put him on all kinds of work the next day I was there and gave him a thrashing for showing me his feet. Whipped him several times during the second and third day.

"I went on the theory (in taking the boy away from Senator Knabb over the personal protest of the latter) that any 100 per cent American had a perfect right to put a stop to torture

and murder, and it meant murder to leave this man at this camp," the report continued. His statement said: "It appears to me that wide publicity and exaggerated statements concerning the Paul White case at T. J. Knabb's place in Baker county are far in excess of the facts." His statement added that had he had the authority to discharge Roddenberry, he did not know of a time when he would have ever seen fit to do so.

Receiving Letters.

While John T. Gardner, Fort Sam Houston, Texas; Glenn Thomson, Sidney, Iowa, and A. B. Shivers, Dorran, Ga., are being kept here to testify before the committee as to being actual eye witnesses to the flogging which they say brought about the death of Talbert in Dixie county, letters addressed to members of the legislature and to G. Grimsen, a state's attorney of North Dakota, are being received from many states declaring that the writers were willing to make affidavits covering alleged brutalities they either experienced or witnessed while confined at the camp of the Putnam Lumber company in Dixie county.

All of these letters are being turned over to the investigating committee for consideration and efforts are being made to locate a disabled ex-soldier residing in Alabama in order that he may come here to testify as to his experience while confined in the Dixie county camp. A college man, who is said to reside at Johnson City, Tenn. is also being sought, he being arrested at Tallahassee, like Talbert, on the charge of vagrancy and sent to the camp.

WHIPPING BOSS GETS LAUGH ON THE COURTS

Simple Expedient of Removing Judges Aids Him.

(By the Associated Press.)

CROSS CITY, Fla., May 18.—Attorneys for T. W. Higginbotham, whipping boss accused of the murder of Martin Tabert, of North Dakota, today secured a halt in his trial under a statute which will permit further delay to go on indefinitely. This statute, which is being used in this case, is the result of the effect that the presiding judge pronounced automatically causes the removal of the judge. This was done today in the case of Circuit Judge Mallory, of Horne, who was presiding and there is nothing in the statute which prevents the other 17 judges in the state from being similarly disqualified in turn. Governor Hardee was at once communicated with by the state attorneys, J. R. Kelly and Stafford Caldwell, assisting in the prosecution. The governor was not prepared to assign another judge today, but arranged for a conference with the attorneys in Tallahassee tomorrow. Court was adjourned until next Thursday to await the naming of a new judge.

It was indicated that the Florida Legislature now in session would be asked to repeal the statute by which Judge Horne was disqualified, to prevent defense following like procedure with other judges.

EDITORIAL DIGEST

Florida Floggings Are a National Disgrace.

The revelations of the cruelties in Florida convict camps constitute an unanswerable indictment of the leasing system, editors are convinced, and they unite in indorsing the action being taken by the Palmetto state legislature to abolish such methods, as well as to punish officials who have winked at, or actively assisted, the practice.

"Florida's shame is not that Tabert died," says the Peoria Transcript, "but that the practice of farming out convicts still exists in the state." Because this must be admitted, the Mobile Register feels "Florida faces the responsibility of finding a way to stop such abuses and prevent their recurrence in the future," inasmuch, as the Little Rock Gazette sees it, "the leasing system is an institution that just as long as it shall exist will be productive of incidents that will be deplorably unfortunate for that state in the eyes of the nation." This is also the position of the Grand Rapids Herald, which sharply denounces "peonage in 1923," and is convinced that "somewhere in this survival of medievalism men of political power and prominence have been involved. If the state of Florida wants to clear the blot from its name these men must be brought out into the full light, revealed for what they are, and, if possible, punished."

"Prisoners are wards of the state," holds the Indianapolis News, "and it is assumed that the punishment fixed by the courts is just. The convict lease system is always open to danger of exploitation by selfish interests, and it may be doubted whether it ought to be tolerated. Law is intended for punishment and should open the way for reform. Methods used in these cases tend to make non-confirmed criminals, not only of boys, but also of men—if they survive the barbarous treatment." There is no excuse for punishment of such a character, the Chattanooga Times holds, "because there are forms of punishment, now generally adopted in progressive states, where incorrigible convicts are subdued without resort to violence. Solitary confinement has been found the best antidote for refractory prisoners, often results in reformation, where whipping and flogging only render them resentful and confirm them in their waywardness." If the exposures in this case compel complete reform they will "not have been in vain," the Atlanta Constitution feels.

"The sensitiveness of the social conscience" is demonstrated by the indignation these revelations have aroused throughout the country, argues the Springfield Journal, which holds that "the convict camp is one of the relics of a dark age." While the "whole south is not guilty" in this instance, the Sioux City Journal

insists, "the south's duty to itself is plain enough. Louisiana has her Mer Rouge and Bastrop. Illinois has her Herrin, and now Florida has her Clara and Madison. Justice has been caught asleep too often, but surely the story of the lumber camp floggings will awaken her. If the trial of Higginbotham should show him guilty as charged the south would have the right to demand that part of its crime stigma be wiped out." To which the Norfolk Ledger-Dispatch replies that "New York produces a mob bent on lynching a negro because he stole a pocketbook. Even Georgia does not do that," and the paper insists "codding prisoners is mush; punishing them when unruly, even with the lash if necessary, is right. But leasing convicts to private interests, making them slaves to avarice and to the caprices of perverted cruelty, is a crime against decency and against civilization itself." The leasing system has "disgraced the state," the Minneapolis Journal holds, "and the commonwealth of Florida must bring forth works meet for repentance by taking up the full burden of handling these cruelties and the social problems they represent in an enlightened and civilized way."

"The conscience of this country however sensitive it might have been a few years ago," points out the Roanoke World-News, "has within the past year stood for the Herrin massacre, the outrages at Mer Rouge, the activities of the vigilantes in Oklahoma, numerous lynchings and countless floggings. And because it has stood for these things it is more than likely going to stand for what has been happening in Florida. The conscience of a nation, just as that of an individual, becomes blunted if its protesting voice is ignored. Respect for law is our only rallying point, and it is high time some rallying were being done in every community in this country. The manner in which we allow outrages such as have marked the past year to go by indicates that we are losing our bearings." But the Anniston Star feels that "Tabert will not have died in vain. There are evidences that 'good will be the final goal of ill,' and that Tabert's death will be the straw to break the camel's back of this nefarious system." And all because, suggests the Springfield Union, "the newspapers of the north disclosed the evil." The outrages in Florida have directed attention to the system in South Carolina, and the Raleigh News and Observer says, while the state "has never permitted the shocking whippings disclosed in Florida, some of our prison camps are far from what they should be and cases of whipping, some brutal, have not been wanting. The prison authorities should not wait for the general assembly to forbid flogging. In state and county prisons they should prohibit it now."

"The tale that is told of Florida in 1923 sounds somewhat like that of the Kongo Free State in 1908, when the rubber camp savageries shocked the world," says the Buffalo News. "America can protest with poor grace the savageries of Turks and Russians when such things as these are going on within its own borders. They challenge our good fame. There should be no delay in getting rid of the convict labor system and in stamping out lynch law. They shame the nation."

ROCHESTER N. Y. POST EXPRESS
APRIL 27, 1923

Anarchy in Florida.

That is a most alarming story which comes from Florida concerning the intimidation of a negro that helped bury the victim of one of the convict camps in that state. The matter has brought the state prominently before the public lately. A prisoner in one of these camps was, from all accounts, beaten to death by a guard and then buried like a dog, without religious services, in a swamp. Months later, the parents of the victim, who live in North Dakota, were told by one who had been a fellow convict of the manner of their son's death. They began an investigation which finally enlisted the official aid of their own state and revealed conditions in Florida that would disgrace a Kaffir settlement. Attempts are now under way to repeal the laws that allow practical slavery in the state. The sheriff that trafficked in human bodies, in disregard of justice and humanity alike, has been recommended for dismissal. But the tale now coming from Florida shows that there is need of some drastic action by the authorities if they are to be supreme within its borders.

A negro, one of the gang delegated to take the rough box containing the body of the victim of this atrocious murder to a swamp and throw it in, was found by the legislative committee investigating the matter, and promised to take them to the spot where the box had been placed in a shallow grave. In automobiles, the committee went to the swamp. As they neared it, a band of thirty armed men in automobiles fell in behind the machines carrying the negro and the committee. One of them stepped up and threatened him with death if he told anything. Of course, the poor black immediately lost his nerve. He refused to indicate where the grave was. Members of the committee warned the armed band that they must not intimidate the negro. When the committee and their guide got out of their automobiles near the spot where the body was supposed to be buried, the armed men came near. At another warning, they deposited their weapons in their machines, but returned to hover about the party. The negro again refused to indicate the spot of burial, saying that he would be killed if he did so. The band is said to have been composed of employees of the lumber company in whose slave camp the unfortunate North Dakota youth was murdered.

Florida

This is a situation which the state of Florida cannot endure for one day longer if it is to be the supreme authority in Florida. If there is no law for the arrest of these men and of the officials of this company that sent them to intimidate the legislators of the state and their witness, then the laws of Florida are defective and should be remedied at once. This incident amounts to defiance of the state by the lumber company. If Florida is to remain a state, she must clean up this whole matter at once. The question now is, shall this company or the people rule the state?

SAYS 9 CONVICTS DIED IN SENATOR'S CAMP

Florida Social Worker Tells Investigators That Two Negro Women Were Shot Dead.

TALLAHASSEE, Fla., May 8 (Associated Press)—Nine convicts serving at the convict camp in State Senator T. J. Knabb in Baker County met their deaths during last year. Six of them died since last September, the joint legislative committee investigating convict camp brutalities was told today by Mrs. Thelma Franklin, a social worker of Glen St. Mary, in Baker County. Mrs. Franklin said the records showed Coroner's verdicts of "natural causes" for each death.

Two members of the committee jumped to their feet and Senator Knabb swerved around his chair, when Mrs. Franklin related that Mary Sheffield, a negro woman, and her daughter, aged 20, were shot and killed last Wednesday by Warden Thompson at one of the Knabb camps. The Sheffield woman was to have been used as a witness before the committee. Thompson is now in a hospital, having been cut by the woman. Mrs. Franklin told of the various deaths, calling each by name, and related how they were buried. One man, she said, was buried in a mud hole, but the body was later exhumed and buried in a family cemetery.

Another youth, she declared, was given a whipping by one of the wardens, and died two hours later sitting upright in his chair. She gave in detail the alleged brutalities administered to Paul Revere White of Washington, D. C., and said she was instrumental in bringing about the "rescue" of the youth from the residence of Senator Knabb, where he had been taken after he was unable to do any more work.

She described the youth as "looking like a corpse" and declared in her opinion if he had not been removed from the camp he would have died in two weeks.

She told of how J. B. Thomas, a prison inspector and Senator Knabb almost came to blows in front of her when Thomas took the youth away from Knabb.

She declared Thomas told Knabb he could not be "bought" and that it would be murder to keep the youth at the "pen." She declared that Thomas told her later that "some one had offered me \$1,500 to keep my mouth shut."

PRISON CAMP INQUIRY ENDED BY LEGISLATORS

Florida Praised by North Dakota for Expose.

HEARD 100 WITNESSES

Sen. Knabb, on Whose Prison Camp It Is Alleged Nine Persons Died, Claims He Can Refute Sensational Charges Against Him.

TALLAHASSEE, Fla., May 10.—The joint legislative committee which for the past several weeks has developed a mass of testimony relating to brutalities in convict camps in this state, concluded its work today. A formal statement by Senator John P. Stokes, chairman of the committee, to the effect that the committee had gone the limit of its authority and could serve no further useful purpose, was issued after an executive meeting late in the afternoon.

Will Seek Legislation.

Members of the committee announced they would now set to work to bring about remedial legislation based on evidence brought at the hearings.

The committee members, two from the Senate, and three from the House, who have devoted virtually all of their time at the present session of the General Assembly in airing convict abuses, met in executive session this afternoon and decided they had enough. They had less than three weeks to spend on the floors of their respective bodies.

At the end of their work, they were presented with a message from the Senate of North Dakota, delivered through Assistant Attorneys General J. V. Kneeshaw and G. Grimson, congratulating and thanking the committee "for the fair, efficient, fearless and thorough action in uncovering a faulty condition rather than seeking to excuse it, and in recommending legislation to remedy such conditions, as well as recommending the punishment of those found guilty of 'wrong doing,' and carrying with it the 'good will' of the people of North Dakota for those of the Peninsula State."

The committee has heard more than 100 witnesses and covered the ground of the death of Martin Tabert, of Munich, N. D., to the time he was arrested here as a vagrant, sentenced to the Putnam Lumber Company for hire, and succumbed to the alleged brutal lashes of a convict guard through the description of alleged conditions in the private camp of Senator T. J. Knabb, in Baker County.

Senator Knabb's Camp.

The committee came to a standstill in the phase of its inquiry relating to Senator Knabb's camp. Its witnesses were exhausted with the expectation of two minor ones, considered unnecessary in the light of testimony already submitted and the statement of Senator Knabb that he did not desire to be heard. Its records of that phase carried the story of Mrs. Thelma Franklin, wife of a postmaster in Baker County to the effect that nine deaths had taken place among Mr. Knabb's convicts during the last 12 months, six of these since last September.

She also told the committee of an effort to effect compromise in the case of Paul Revere White, of Washington, D. C., who is alleged to have received brutal treatment at the Knabb camp and through his attorney was preparing to file suit for damages against Senator Knabb for \$50,000. She said the compromise was proposed by J. D. Thomas, state prison supervisor, acting for Senator Knabb and that it was refused by White's counsel. White's counsel would not let him appear before the committee. She also testified as to a declaration made by Thomas that if it weren't for bartering in human blood, he could get \$1,500 "for smoothing it out with the county commissioners and nothing would be said about it."

She also gave other damaging testimony which has not yet been refuted before the committee.

"Human Slaughter Pen."

The prison supervisor appeared before the committee and admitted he filed a report with the commissioner of agriculture in which he stated in his opinion "Senator Knabb was running a human slaughter pen." He was questioned as to an informal statement issued by him after his official report had been made public, saying the official report had been much exaggerated. Thomas admitted further that he issued this informal statement after he talked the matter over with Senator Knabb.

The committee, after Thomas concluded his testimony recommended to Governor Hardee that Thomas be discharged as state prison supervisor. No formal action has been taken by Governor Hardee, it was ascertained today.

Senator Knabb is reluctant in making a statement because of the damage suit pending against him, he said but states that at the proper time he will attempt to refute the testimony of Mrs. Franklin.

LATE, BUT GOOD!

The Florida senate, with but one dissenting vote, voted Friday to abolish the present convict lease system in that state. The house, it is said, will support the senate measure, or some measure that may be jointly agreeable to a final conference.

This is action that has been too long delayed in the peninsular state, and yet it is never too late to do good. There is nothing that reflects so much the barbarity of the dark ages as the leasing of convicts to private interests—and there is no system so economically unwise.

The state can make more serviceable use of the convicts in road building, and at the same time assure for them the humane treatment that even a convict should receive.

The proposition of commercializing human machines, even convicts being punished for infractions of law, by selling them to private interests as peons is unthinkable; and even more unthinkable is the practice of paying fees to arresting officers at so much per "head" turned into these private labor camps.

Thousands of young men, many of them the sons of wealthy parents, many of them college boys, go to Florida each winter for adventure, for recreation and for the outdoor life afforded by Florida's remarkable climate. They expect employment perhaps in the groves or packing houses. Many of them are unable to find employment, but do find expenses heavy. Under the vagrancy laws hundreds of these boys are arrested; and under the penal lease system, and the fee system for turning in convict labor to private interests, scores of these boys who are not criminals are thrown into the camps, and the public has recently been enlightened as to some of the conditions that prevail.

It is unfortunate that it took the death of one of these boys and the life-long scars of others to arouse the public conscience of the state to its duty.

But sacrifice—even the supreme sacrifice—has its reward, and the state is to be congratulated upon the sentiment that is sweeping relic of inquisition from its statutes.

WHIPPING BOSS ON TRIAL FOR MURDER

Higginbotham Seeks to Obtain Change of Venue When

Case is Opened

CROSS CITY, FLA., May 24.—Men, women and children filled the pews of the Baptist church here late today to witness the state's second attempt to place Walter Higginbotham, a convict whipping boss, on trial for murder in connection with the death of a young man, North Dakota youth, who died near here fifteen months ago while serving a three months sentence in the camp of the Putnam Lumber Company. Higginbotham's heavy lashes are alleged to have caused the youth's death.

It was in this church that Higginbotham faced trial last week, but the proceedings were halted by affidavits presented by the defense, charging the presiding judge, Mallory F. Horne, with prejudice against Higginbotham, which under Florida laws, disqualified Judge Horne. Today Judge A. G. Campbell, of the first judicial circuit, appointed by Governor Hardee to take Judge Horne's place, occupied the pine-board pulpit which is serving as the court bench.

Judge Campbell heard a motion by the state, presented, in affidavit form, seeking a change of venue, it being charged that a fair and impartial trial could not be obtained in Dixie county. One affidavit signed by ninety-five citizens, including two county commissioners and one former county judge requested a change of venue. This instrument was backed by approximately ten others.

File Newspaper Stories.

Newspapers and newspaper clippings from all sections of the country carrying reports of the joint legislative committee's investigation of Tabert's death, and editorial comments, were filed in support of the affidavits.

Judge Campbell granted a request from the defense that it be allowed until tomorrow to present affidavits designed to show that a fair trial can be had here.

In presenting the motion for a change of venue, Stafford Caldwell, assistant state's attorney, stated he had examined the county's jury list, which, he said contained 283 names. Sixty-six of these signed the affidavit seeking removal of the trial, 37 others already had served as jurors this year, and 48 others, according to an affidavit by W. H. Matthews, former county judge, were employed by the Putnam Lumber Company, at whose camp Higginbotham is alleged to have flogged Tabert to death.

The Matthews' affidavit further declared the lumber company owned approximately one half of the land in the county, paid 65 per cent of the county's taxes and that it takes an active interest in political affairs in the county. Another affidavit presented by J. S. Bodiford declared Sheriff S. C. Chaveous, of Dixie county, is a brother of W. P. Chaveus, of counsel for the defense and a county commissioner.

FLORIDA CONVICT SYSTEM

Tallahassee, Fla., May 24.—Final passage of the bill to abolish the coun-

ty convict lease system was effected today when both houses agreed to the report of a conference committee. The practice which has existed as a hangover from the former system of leasing state convicts, will be outlawed after January 1 next.

THE "INVESTIGATION" FIASCO AT CLARA.

It is difficult to imagine what could have been the animating spirit which controlled that heavily armed "reception committee" which met the committee which the legislature sent to Clara to find out the facts about the burial of Martin Tabert. Did it think to intimidate a committee representing the great state of Florida from doing its duty? The committee will doubtless assert that it was not intimidated, and it seems to be a fact that no open threats were made against the committee, but the open display of revolvers carried its own significance, and it is a significant fact that it returned to Tallahassee without accomplishing its purpose. The negro (Johnson) who was to lead the committee to Martin Tabert's grave was so badly frightened that his wits refused to function. It was hoped that evidence might be had to establish his credibility as a witness, or prove him a liar. In the latter case the leaders of the mob should have welcomed the investigation. Some among them undoubtedly knew whether he was lying or not, and their intimidation of him looks suspicious. It has probably destroyed his usefulness as a witness.

The people of Clara are evidently tied hand and foot to the interests of the Putnam Lumber company. It owns the town. Captain "Bill" Fisher, leader and spokesman for the mob, was the superintendent of the lumber company when it was operating in Clara, and may be yet. It is evident that the professed eagerness of the company to have a thorough investigation of the circumstances of Tabert's death and burial was nothing but pure "hokum." Every possible hindrance will be laid in the way of getting at the real facts. The crimes that have been committed by that company from Wisconsin are sufficient to justify its permanent exclusion from doing business in the state. If the legislature should decide to send the investigating committee back to Clara to finish the investigation it has begun, we would suggest it send with it a fully armed company of the state militia. In no

other way can it impress the people of Clara with the importance of letting the truth be known.

NEW YORK

TAMPA FLA TIMES
APRIL 26, 1923

FLORIDA ABOLISHES LEASE OF CONVICTS

Prohibition of Corporal Punishment Followed by Complete Reform

TALLAHASSEE, FLA., May 24.—Florida's second convict reform came today when the legislature effected final passage of a measure which abolishes the county convict lease system next January 1. With this measure went and second and more emphatic prohibition against administering corporal punishment to prisoners.

The lower house adopted without discussion a conference report on the subject, while in the senate 14 votes were cast against the manner in which it was drawn. These 14 members were for the most part those who vigorously had fought the passage of an outright corporal punishment ban, the effect of which was had yesterday when the governor signed a measure that directed the state officials to bar whipping from their prison regulations and the commissioner of agriculture promptly acted accordingly.

The measure as passed deals broadly with the supervision of convicts and requires that convict wardens give bond of \$2,500 while guards must be bonded for \$1,000. They are made subject to suit for damage for any abuse of their authority. The warden is made directly responsible for the convicts in his care and must make periodical reports to the commissioner of agriculture and copies of the report must be sent to the board of county commissioners of the counties in which the prisoners are worked.

No contracts for the leasing of convicts shall be permitted after January 1, next, and all existing contracts at that time become null and void. One county, however, may turn its prisoners over to another county for work on the public roads or they may be turned over to the state road department for similar work under terms the two parties may find suitable.

Crime—1923

Declares Whipping Boss Beat Up Youth As He Staggered in Circle

TALLAHASSEE, FLA., April 17.—The Associated Press. The joint committee of the Florida legislature investigating reported brutalities in state and county convict camps today heard gruesome testimony in connection with the death of Martin Tabert of North Dakota, who died while serving a sentence in a camp of the Putnam Lumber Company near Clara, Fla.

A. B. Shivers, former convict guard at the Putnam camp, held the committee spellbound as he related how prisoners were flogged by the "whipping boss." He declared the whipping was a daily occurrence and that from one to five men were whipped each day to the best of his knowledge. He was employed by the company for more than six months, he said.

Shivers was grilled into giving minor details and he named Walter Higginbotham, now under a first degree murder indictment, as the "whipping boss" of the camp and who gave Tabert more than 100 licks, he said, with a heavy strap four days before the youth died.

Whipped Before Convicts
In describing the whipping, the witness arose to his feet and gave a demonstration as to the actions of the "whipping boss." He declared this particular whipping administered to Tabert was done in the presence of 80 or 90 convicts and guards; that after more than 100 licks had been given the youth, the "whipping boss" followed the youth as he staggered in a half circle about the camp, hitting him over the head with the handle of the strap.

Prior to Shivers taking the stand, Sheriff J. R. Jones of Tallahassee, testified as to the arrest, conviction and leasing of Tabert to the lumber company.

During his testimony the sheriff was questioned as to the leasing of Ned Thompson, a sixty year old negro who was sent to the Putnam camp after a peace warrant had been taken out against him by a white man. The negro was under no sentence, according to court records.

Negro Dies After Whipping
Witnesses have been summoned who will testify, it is declared, that the negro was whipped so severely at the camp that he was returned to Sheriff Jones of Leon county. Three days after he returned to Tallahassee he died.

Sheriff Jones admitted today that he had entered into a contract with the Putnam company whereby he was to receive \$20 for each man he delivered to the camp. He further admitted that after adding various fees and deducting the cost of transportation of prisoners under guard from Tallahassee to the camp, a distance of sixty-five miles, he would average a net profit of approximately \$23 on each prisoner.

The sheriff was closely examined as to Tabert. He said he remembered having had in custody a man by that name and that he entered a plea of

guilty to riding a freight train through Tallahassee. After being sentenced to pay a fine of \$25 or three months at hard labor, Sheriff Jones said he did not recall whether Tabert made any effort to pay the fine.

The officer declared two days after Tabert was sentenced he was taken to the lease camp and that he received \$20 for his delivery.

Denies Getting Letter
"About eight days after Tabert left, I was notified by the post office that a registered letter had come for him addressed in my care. I did not see the letter, but I told the post office clerk to send it back; that the party had gone to Clara," declared Sheriff Jones.

Didn't you know that the letter contained money to pay Tabert's fine, or did you have an idea that it contained such? Senator John P. Stokes, chairman of the committee, asked the sheriff.

"I did not," was the reply.
"You said the Putnam company paid you \$20 for a man. If a man paid his fine after he was delivered by you to the camp would there be any reduction in the fee paid you by the company?" Senator Stokes asked.

"No," the sheriff answered. "I got mine whether he served one day or three months."

After being questioned as to whether he gave orders to the Tallahassee postal officials not to forward any mail to prisoners confined at the Putnam camp, to which he entered an emphatic denial, he was asked whether he had received a telegram from Tabert's parents. Sheriff Jones also denied this.

He was then shown a letter signed by him as sheriff of Leon county, to Norris H. Nelson, Munich, N. D., in which he stated that "there was some money wired to him (Tabert) here after he was gone, but I could not get it, as it was sent in his name. I therefore returned it."

Identifies Signature
Sheriff Jones identified the signature as his own, but he said he could not recall having received a telegram and believed in writing the letter he had become confused regarding the registered letter.

Before questioning Shivers as to the flogging and death of Tabert, the committee interrogated him on the condition of the Putnam company's camp and as to how the prisoners, which he said numbered at one time approximately 80 or 90, were treated. This was done after counsel for the lumber company appeared before the committee and requested that witnesses he had summoned be allowed to appear tomorrow morning.

The request was granted.
Shivers said that the sanitary conditions of the company were good. The working routine, he declared, was from four o'clock in the morning until after six o'clock at night. He further said

Florida

that cots were furnished the prisoners and "some of them were given night shirts." He later testified that many of the prisoners under his supervision—Tabert worked in his gang—were forced to work from sunup to sundown in the swamps in water ranging from the ankles to the hips in depth.

Tabert was whipped on a Friday night, Shivers testified. He said that morning they walked approximately two miles to the swamp. Tabert was unable to keep up and often during the march, which was done at a rapid pace, he said, he would make the other prisoners stop and wait for the North Dakotan.

When they returned to the guard house that night, Higginbotham, Shivers declared, lined up the prisoners and called Tabert out of line.

"Get down," Higginbotham told Tabert," Shivers said.

Lay On Stomach
The youth lay down on his stomach, declared the witnesses, and Higginbotham pulled up his shirt. He gave him about thirty licks as Tabert groaned and screamed for mercy. Tabert kept on twitching his body, so Higginbotham placed the heel of his boot on the youth's neck to make him keep his body rigid. He then gave him about forty of fifty more licks.

"Higginbotham told Tabert to get up and the boy was a little slow about it, so Higginbotham said 'You can't work yet, eh,' and pushed the boy down on the ground again. This time he gave him about 25 licks. He told Tabert to get up, and when the boy straightened up Higginbotham made a pass at him with the handle of the strap. He missed and Tabert staggered around in a half circle with Higginbotham hitting him over the head and shoulders," declared Shivers. Tabert died Tuesday night, he said.

CONVICT GIVEN MORE THAN HUNDRED BLOWS, DECLARES WITNESS

Former Guard Says Tabert Received 119 Lashes From Flogger

TESTIMONY CONFLICTS AS TO PLACE BODY BURIED

Prosecution Charges Judge and Sheriff in Collusion on Arrests

TALLAHASSEE, FLA., April 21.—The Associated Press.—The

high water made in the number of lashes administered to Tabert, the North Dakota youth who died while serving as a convict in a private lease camp at Clara, Fla., marked the testimonies presented today to the joint legislative committee investigating reported brutalities to prisoners.

M. B. Bell, a former guard at the Putnam Lumber Company, where Tabert died fourteen months ago, he counted 119 blows struck by Walter Higginbotham, whipping boss, under indictment of first degree murder in connection with the death.

Higginbotham testified today that he hit Tabert ten blows and that the boy was able to return to work the following day.

Other witnesses testified today that they prepared the body for burial, and one Arthur Johnson, a former convict, said he acted as pallbearer for the body and stated that it was laid away across the river from Dixie, in Taylor county, at an isolated spot and in a hole filled with water. Witnesses for the lumber company have previously testified that Tabert was buried at Mingo cemetery near Clara, Fla., amid the singing of hymns by townspeople and that an itinerant preacher officiated.

Testimony Conflicts
The committee at the request of representatives for the lumber company, took under advisement a trip to Clara in an effort to get straight the conflicting versions of the funeral.

J. W. Jackson, who testified before the Madison county grand jury which indicted Higginbotham, identified himself as a former guard at the lumber camp and testified that on the night Tabert died he was one of the men ordered by Higginbotham to prepare the body for burial. The witness said there were many bad lacerations on the face and head.

Tom Pope, a negro, said he served a sentence at the logging camp for running away from a turpentine man. Pope said he saw Tabert whipped, wasing only a few weeks, he died, alleged with him when he died and was one of those who bathed him preparatory to burial. The blood from his wounds had seeped through his night clothes and the bed sheet looked as if a piece of "bloody beef had lain on it."

Says All Were Whipped

W. W. Matthews, former steel gang foreman at the camp, thought until an hour before he appeared before the committee that Tabert was given 117 blows by Higginbotham was Tabert, but that he got into an "argument" with another man who witnessed it, named Reeves, just before his appearance before the committee and had come to the conclusion that it was a boy called "South Carolina" Boatwright who had received the flogging. In the 13 months he was employed by the company, he said he saw virtually every one of the some 200 convicts whipped, and not one, to his knowledge, was held to the regulation ten blows, the flogging averaging around 50 or 60 blows. He based his first opinion that it was Tabert he had seen whipped on the fact that he saw Tabert after death and his head

was bruised and lacerated and his nose broken. It was frequently the practice for Higginbotham to place his foot on the neck of the victim, he testified.

J. B. Burch testified from the viewpoint of an experienced whipping boss, but now retired and farming in Taylor county. He worked for the Putnam company four weeks as official whipper, during which he administered 28 punishments, as his reports would show, he said. Two whippings were at his own initiative, one for "general principles," he continued, but the others were occasioned by representatives of the working foremen. He sometimes gave twenty-five blows, sometimes fifteen, sometimes only four or five.

Reported to Inspector
"You see," he explained, "when the inspector (state prison inspector) came I had to give him a report showing the average number of whippings."

Burch said the average number of blows given and his aggregate lashes averaged about ten to a man. No copy of the prison regulations was posted on the company's premises that he knew of, he said, though he had seen copies. He had been official whipper for four camps, but he really believed the strap at the Putnam camp was heavier than any he had ever seen. He estimated its weight to be about five or six pounds.

He was asked what would be the effect of twenty-five lashes on a man, and he replied that it was according to who administered them.

Charges Collusion

In an effort to show that a collusion existed between Sheriff J. R. Jones and County Judge B. F. Willis, both of Leon county, the prosecution counsel, Assistant Attorneys General Grimsen and Kneeshaw called Jerry M. Poppell, former Leon county jailer, before the committee to testify as to the alleged wholesale number of arrests and convictions brought about after Sheriff Jones entered into an agreement with the Putnam Lumber Company to furnish them prisoners at \$20 a head.

Poppell's testimony also was adduced to bear out the contention that Tabert was arrested, convicted and leased to the lumber company where, after serving only a few weeks, he died, alleged to have been the result of a whipping administered by Walter Higginbotham.

Sheriff Got Money, Is Claim.

The former jailer who said he was in charge of the Leon jail for 28 years before being discharged for complaints about mistreatment of prisoners, declared Sheriff Jones immediately after entering into the agreement with the lumber company issued orders to his deputies to "get busy for this means money for me."

Poppell testified Sheriff Jones began a crusade against "gamblers, hoboes and moonshiners" and would average from four to ten arrests a day. Their chief field of operation was meeting freight trains and arresting men as fast as the train crews "would kick them off the cars."

This extensive drive became known to the hoboes, he said, so the sheriff and his deputies, including himself, went out at night to round up the hoboes.

They had a stand by the railroad tracks, he said, near where the trains would stop at a water tank. It was

at this place that the men would get off the trains and take to the highway to get around Tallahassee. Poppell testified that Jones used two automobiles, bringing them back full of prisoners each night.

"We would get back to the court house," testified Poppell, "late at night and on our way Sheriff Jones and we deputies would tell the prisoners the best thing for them to do would be to enter pleas of guilty. On our arrival at the court house, some times as late as 10 o'clock at night, all of them who were willing to plead guilty were arraigned."

"How would you get the county judge there at that time of night?" Senator John P. Stokes asked the question.

Charges Judge Got Drunk.

"Oh," responded the witness, "he would be sitting there all the time with his demijohn."

"His what?" Senator Stokes queried. "His demijohn with which he used to get drunk," Poppell replied.

"Did you ever get drunk yourself?" he was asked.

"Yes, ain't no use lying about it," he replied.

"Then the sheriff was drunk, the deputies were drunk, you were drunk and the county judge was drunk?" asked Senator Stokes.

"Yes, sir."

"And you would gather there, all of you drunk, and try people for being drunk?"

"Yes sir."

"I thought this was a prohibition town," the senator observed.

"It would seem that it would be right here at the capitol," the witness agreed.

Later Poppell said he had seen Sheriff Jones take a gallon of confiscated "moonshine" which the court had ordered destroyed, and empty its contents into another jug which the sheriff kept for himself.

"Then what would he do?" queried Senator Stokes.

"He would call the county clerk, Mr. Lang, out into the court yard and ask him to watch while he destroyed the jug," declared Poppell.

"The jug full of water?" asked Senator Stokes.

Poppell laughed back "the reply of 'yes, sir.' Poppell was asked why he had not told Governor Hardee about how Sheriff Jones was conducting his office. He declared Sheriff Jones had come to him and threatened to discharge him if he did tell.

**YOUTH'S BODY BURIED
IN WATERY GRAVE, SAYS
FLORIDA EX-CONVICT**

Tabert Died From Whipping, Is Charge; Cheap Coffin Is Described

LEGISLATIVE PROBE TO

BE STATEWIDE AFFAIR

Camp Boss Ordered Bloody Sheets and Bedding Burned After Death

TALLAHASSEE, FLA., April 16.—The Associated Press.—The body of Martin Tabert, North Dakota youth who died while serving a sentence in a camp for leased convicts, was placed in a cheap coffin in a grave half filled with water near the town of Clara, Florida, according to a statement made today by Arthur Johnson, a former convict, to Assistant Attorney General Grimsom and Kneeshaw of North Dakota.

Johnson, sentenced to serve two years on four charges of illicit distilling, declared he was the first prisoner to be taken to the camp of the Putnam Lumber Company where Tabert died; that he prepared the body for burial and later was one of the four men three negroes and one white man to act as pall bearers.

The amended house resolution calling for a state-wide investigation into the flogging and other cruelties to convicts in both state and county convict camps by a joint legislative investigating committee was unanimously passed by the senate, following Senator Lindsey's speech.

Tabert Case Comes First

The joint committee will reconvene from its week-end recess tomorrow morning. While vested with the authority to conduct a state-wide investigation, it was announced today that the Tabert case would first be gone into on the points of conviction, leasing and death, as set out in a resolution adopted by the North Dakota legislature to make inquiry.

Tabert died after he had been flogged, witnesses have testified, by Walter Higginbotham, the camp "whipping boss." Higginbotham was indicted by a Madison county grand jury last week on the charge of first degree murder.

The expected outbreak in the senate over the house resolution failed. Senator Lindsey in addressing the body said: "This senate received from the senate of North Dakota, a resolution couched in deferential language, asking us to make an investigation."

Welcomes Request

"I welcome it," continued the speaker, "and am proud that they put it in such language."

Declaring that the governor stands in a position in which the responsibility is up to him, the senator said that "honesty is the best policy—certainly in this situation it is true to the last degree. And the answer of this senate, based upon such inquiries as are contemplated and provided for in the senate resolution will be the effective answer. Let us tell the honest truth about conditions as they find them and don't so we will apply the proper legislation for the conditions as they exist." 4-11-23

Arthur Johnson will appear before the authorities at Clara to locate the joint investigating committee. He the grave of Tabert. is regarded as one of the most valuable witnesses yet obtained.

Describes Whippings

Johnson remembered when Tabert was brought to the camp. He became ill, he said, lost weight "until he was just a pack of flesh and bones." Unable to function to satisfy Captain Higginbotham, the former prisoner declared he was beaten several times and one time twice during the same day, more than 100 licks being administered.

"That night after he had beaten Tabert," Johnson said, "Captain Higginbotham lost his job. He shot up a free labor house with his pistol. Tabert was in a pretty bad fix, so Captain and Mrs. Higginbotham would not leave the camp because the captain said 'if he dies they surely will blame me for it.'"

"When the boy died," he continued, "Captain Higginbotham told me and a boy by the name of 'South Carolina Eddie' to get the body and prepare it for burial. We went into the cell house and prepared to remove Tabert. The sheets and even the mattress on his bunk were covered with blood and the sheets stuck to the body."

Ordered Bedding Burned

"Captain Higginbotham told me to burn the sheets and the mattress. He came in and looked at the body and tears began to roll down his cheeks. He cried out loud and said 'They sure were going to blame it all on him.' We washed the body, me and 'South Carolina Eddie' with just a piece of soap I got from the kitchen," declared Johnson. "We put the body in a storehouse and the next morning a \$10 coffin came from Perry. Captain Higginbotham gave me a white shirt, and Captain Shivers gave me a collar to put on the body. Later Captain Higginbotham brought me a coat and a pair of convict pants belonging to a negro from Montreal who escaped and we put them on the corpse."

"Eddie and myself put the coffin in a wagon," continued the witness, "and drove over to near Clara where two old negroes had dug a grave. They told us they had dug five feet and struck water. I looked into the hole and it was about half full. We put the box down in the grave and all of it went under water."

"There was nobody else there but us. Later I told the people living near the grave about burying a man down by the sapling. Mrs. Mills, the post-mistress at Clara, knows where the grave is."

"When we got back to the camp, Captain Higginbotham was gone," the former convict said.

Johnson declared that only two men were able to obtain their freedom by paying their fines after they were confined in the camp during his seventeen months there.

"One fifteen year old boy," he said, "who lives in Flint, Mich., was so badly beaten that he was in a bad condition. I was a trusty and acted as mail man. I told the little fellow to write home and I would slip the letter out. He mailed a letter to his father who came down from Michigan in an automobile. He found his boy kneeling on the floor attempting to eat. He could not stand up or lay down so many times had he been licked. His father just broke down and cried and pretty soon he got his boy out."

An effort was being made tonight to

BRUTALITIES OF CONVICT CAMP ARE BARED

Investigating Body Aroused by Conditions Revealed After Fatal Flogging.

(By International News Service.)

TALLAHASSEE, Fla., April 16.—Dark chapters in the history of Florida convict camps received an addition Monday when the report of the Lee County grand jury, addressed to Judge Whitehurst, of the Twelfth Judicial District. A copy was sent to Representative L. D. Edge, speaker of the House.

Roused by the investigation of the death of Martin Tabert, the grand jury made an investigation of the camps in which Lee County prisoners were worked. Testimony of whippings and other brutalities was discovered.

The grand jury's recommendation was almost peremptory. It asked the immediate return of Lee County prisoners to jail and discontinuance of the convict leasing system.

TO GO TO SENATE.

The matter will be turned over to the joint legislative investigation committee, if the House resolution enlarging the committee's powers receives favorable action.

The Capitol was crowded Monday afternoon with lobbyists, on hand

for fights scheduled for this week.

Jacksonville residents were here in the interest of the fight to reinstate Hamp Dowling as Sheriff of Duval County. The committee named by the president of the Senate to investigate the case announced that a public hearing will be held this week, the date of which will be announced as soon as John Crawford, attorney for Dowling, can arrange his testimony.

SCHOOL LAW SOUGHT.

The appearance of Van C. Swearingin, of Jacksonville, former Attorney General and candidate for Governor against Governor Hardee created a buzz of interest. He stated that he was here to work for a measure which would compel all children between the ages of 7 and 14 to attend public school. The legislation he has in mind, he said, is similar to the law recently enacted in Oregon, which would bring the matter to the people for a vote.

It was thought also that Swearingin's visit was for the purpose of keeping in touch with state politics with a view to entering the arena again. It was rumored that he might be a candidate against Duncan U. Fletcher for United States senator in 1926, an office to which Governor Hardee is reported to have turned covetous eyes.

"THIRD DEGREE" POLICE METHODS.

The recent testimony of several victims of brutality and inhuman treatment at the hands of local police officers and private detectives shows that the "third degree" methods, so long employed and invoked by supposed officers of the law on persons or prisoners in their custody, have not been abolished.

Judging from the swollen eyes and discolored and disfigured countenances of these unfortunate and apparently innocent citizens of color, who claim that they were beaten and assaulted with deadly weapons at the hands of city officers and private detectives, the "third degree" is very much in vogue in local police circles.

These recent disclosures and exposes are nothing new to those conversant with conditions in police circles here.

The grand jury, it is stated, is investigating these alleged brutalities, but while investigation may be the proper thing under the circumstances, it will do very little to put an end to such harsh and brutal practices.

As long as certain "red tape" can be employed to shield and shelter the offending and assaulting officer or officers, just so long will these dark-age methods be employed.

Some time ago the attention of a certain high official was called to police brutality upon colored citizens and prisoners and here is his reported rejoinder: "Oh, well, the police never beat up anybody but bad niggers or radicals!" As if "badness" and "radicalism," so-called, are to be eradicated by police clubs and revolvers.

In the viewpoint of this big municipal official it is perfectly all right for police officers to assault and maltreat colored persons and prisoners, if they are "bad niggers" or "radicals."

In other words, every colored person assaulted or cruelly and shamefully beaten up at the police station is either "bad" or "radical," according to this official reasoning; and, thus working on this assumption, certain police officers always endeavor to maintain the swatting and batting average of the department, particularly where colored citizens are the handy, though unwilling victims.

Even granting that city police officers have the power or justifiable grounds for employing "third degree" methods (which they do not possess, either by law or common decency), by what authority have these "special agents" of railroads the right to go into the city prison and murderously and maliciously assault persons or prisoners?

One local daily newspaper has condemned the act of beating these colored men to compel a confession, but this is a custom in the South that has become an institution and it is the exception rather than the rule when police officers do not employ such tactics.

Not only, in some instances, are such assaults and brutalities condoned and encouraged, in certain circles, but there is a disposition on the part of some "higher-ups" to always cover up, excuse, shield or justify such inexcusable and unlawful treatment of persons under arrest.

The Informer is delighted to see another daily newspaper taking up this fight against brutality in police and constabulary circles, for this paper has contended all along that police officers have no right nor authority to club, attack and otherwise roughly manhandle persons in their custody.

We wonder if the Chronicle will be called "radical" and "danger-

ous" for daring to speak out in no uncertain tones against this brutal and barbaric practice?

A few dismissals, a few indictments and a few convictions will have a very sobering effect upon certain police officers who take great joy and pleasure in employing "third degree" methods upon prisoners; but to accomplish this the grand jury must secure cooperation from both the city hall, police department heads, the inter-racial commission and citizens who believe in orderly processes of law enforcement and administration.

But as long as police officers know that they can maltreat and almost murder colored prisoners and then get exonerated by some "higher-up" or perjured affidavit by members of the police department, these "third degree" (and even fourth, fifth and so on) tactics will be used, which will ultimately prove a boomerang and reaction.

The Informer wishes to again protest against such brutal and mobocratic practices and to reiterate its former assertion that the Houston police department needs a general house cleaning.

It appears to this paper that, if a police officer can be discharged peremptorily for "undue political activity," (i. e., for voting a free and untrammelled vote for the candidates of his choice in municipal elections), undoubtedly some way ought to be found whereby an officer can at least be demoted or reprimanded for mistreating persons or prisoners in his charge.

There are some local police officers who have never employed such tactics upon a prisoner and would not, but entirely too many of them do commit such acts and get by with it.

If the grand jury and courts wish to perform a signal service to the community, investigation will be followed by indictments and indictments followed by convictions.

Gruesome Story Told of Beating By Convict Guard

Declares "Whipping Boss" Ground Heel Into Neck of

Atlanta Georgian
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Shivers was grilled into giving most minor details and he named Walter Higginbotham, now under a first-degree murder indictment, as the "whipping boss" of the camp and who gave Tabert more than 100 licks

he said, with a heavy strap four days before the youth died.

In describing the whipping, the witness arose to his feet and gave a demonstration as to the actions of the "whipping boss." He declared this particular whipping administered to Tabert was done in the presence of 80 to 90 convicts and guards; that after more than 100 licks had been given the youth, the "whipping boss" followed the youth as he staggered in a half circle about the camp hitting him over the head with the handle of the strap.

Sheriff Testifies.

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Witnesses have been summoned to testify that the negro was whipped so severely at the camp that he was returned to Sheriff Jones. Three days after he returned to Tallahassee he died. The county officer admitted that he had entered into a contract with the Putnam company in which he was to receive \$20 for each man he delivered to the camp. He further admitted that after adding various fees and deducting the cost of transportation of prisoners under guard from Tallahassee to the camp, a distance of 65 miles, he would average

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Closely Examined.

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The officer declared two days after Tabert was sentenced he was taken to the lease camp and that he received \$20 for his delivery.

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"I did not," was the reply. "You said the Putnam company paid \$20 a man. If a man paid his fine after he was delivered by you to the camp would there be any reduction in the fee paid you by the company?" Senator Stokes asked.

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Denies Telegram.

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He was then shown a letter signed by him as sheriff of Leon county to Norris H. Nelson, Munich, N. D., in which he stated that "there was some money wired to him (Tabert) here after he was gone, but I could not get it, as it was sent in his name. I therefore returned it."

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Conditions Good.

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ion—Tabert worked in his gang—were forced to work from sunup to sundown in the swamps in water ranging from the ankles to the hips in depths.

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Down on Stomach.

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FLORIDA GOVERNOR TO ACT PROMPTLY ON COLLUSION CHARGES

Witness Declares Sheriff
and Judge Conducted
Drive For Vagrants

INCREASED ACTIVITY
FOLLOWS LEASE DEAL

Lumber Company Paid \$20
Per Prisoner, Legisla-
tive Committee Told

TALLAHASSEE, FLA., April 22.—The Associated Press.—Prominent action in the cases of county Judge J. B. Willis and Sheriff J. R. Jones of Leon coun-

ty, whose names have appeared prominently in the legislative investigation of the death of Martin Tabert, of Munich, North Dakota, will be taken by Governor Hardee, it was learned in authoritative quarters today.

The names of the two officials have run through the course of testimony given to the legislative committee since it began its inquiry and was topped yesterday with a startling narrative of alleged ill practices in their offices given by Jerry M. Poppell, former jailer. Poppell described a campaign in the business of arresting vagrants, which he said started after the sheriff had contracted with the Putnam Lumber Company, in whose camp Tabert died from alleged brutal treatment, to receive \$20 a head for every prisoner he delivered. He declared the county's law enforcement machinery was so set up as to furnish a continuous supply of labor. The sheriff's entire force and the county judge were habitually drunk, he testified.

Sheriff Falls and Breaks Jug.

During his service under Sheriff Jones, he declared he had known that official to observe the law twice in the destruction of confiscated liquor. On one occasion, he testified the sheriff substituted water for the moonshine contents of a jug, and then called a court attache to witness his destruction of it. Another time, the sheriff was drunk, he stated, and fell down and broke a jug filled with whiskey.

Governor Hardee kept in close touch with the investigation as it progressed yesterday and it was learned that he was prepared to act promptly.

Eight witnesses will appear before the committee tomorrow in an attempt to substantiate Poppell's testimony.

To Show Court Records.

Assistant Attorney General G. Grimson of North Dakota who is here to investigate the death of Tabert announced he would also submit figures taken from the official records of County Judge Willis and Sheriff Jones which shows the number of arrests and convictions before and after Sheriff Jones made an agreement with the Putnam Lumber Company to furnish them prisoners.

During the seven months preceding the execution of the contract, from January 16 to August 15, only twenty men were arrested for beating their way. In the seven months following no less than 154 men already have been arrested on this charge.

Arrests On.

In the seven months preceding the contract date, only 17 men were arrested for vagrancy. In the seven months following there were 31 arrested. In each of four of the seven months immediately following the execution of the contract more men were arrested for "beating their way" than in the entire seven months preceding the attorney general's figures showed. The highest number arrested in any one month before was five but in the thirty days after October 15, 1921, there was 39 men so arrested between December 16 and January 15, 1922, there were 38 arrested, 26 were arrested in the next thirty days; and 32 were arrested in the next thirty. Of

the 155 men arrested for beating their way on trains and vagrancy, Sheriff Jones has testified that he delivered 163 to the Putnam Lumber Company at \$20 a head.

Conducts Convicting Court.

The county clerk's records showed, according to Mr. Grimson, that the convictions in 1919 were 228, and in 1920 there were 213. Judge Willis then took office in January 1921, and the number of convictions he acted on that year was 567. The convictions for the first ten months of 1922 numbered 529. The fees paid the county judge who preceded Willis were in 1920, \$2,432.88; the fees reported by Judge Willis to the state comptroller in 1921 were \$5,443.52.

CONVICT FLOGGINGS IN FLORIDA CAMPS TO RECEIVE ATTENTION

Employe of State Senator
Involved in Investiga-
tions Under Way

SHOWS RESENTMENT OF
NORTH DAKOTA ACTION

4/11/23 4/13/23
Death of Youth From
Northern State Cause of
Startling Charges

Montgomery
TALLAHASSEE, FLA., April 12.—The Associated Press.—Flogging of convicts in camps to which they have been leased in this state will be the center of legislative attention here tomorrow. An employe of a state senator is involved in the investigation. *advertiser*

The joint investigating committee will enter upon the first phase of its inquiry into the death of Martin Tabert, North Dakota youth, while the senate will act on a resolution adopted by the house today, which seeks to broaden the scope of the committee's inquiry to cover every instance of flogging in the state of Florida.

A bitter fight is expected in the senate over the concurrent resolution. If it is adopted, Senator T. J. Knabb, owner of a camp at MacClenny, Baker county, where convict labor is employed, will be placed under fire. It is understood that Senator Knabb's friends were rallying around him today. John Roddenberry, convict camp boss in Mr. Knabb's employ, is under indictment for cruelty to prisoners.

The joint investigating committee, after a day of preliminary meetings,

will get down to business at 10 o'clock that it would be allowed to present its in the morning. Sheriff J. R. Jones, of side. Representative C. H. Kennerly, a Leon county, who is said to have remembered of the committee, in urging ceived \$20 a "head" for every prisoner that a full investigation be made into he delivered to the convict camp con- every phase of the case, declared that trolled by the Putnam Lumber Compa- "all of the newspapers in the country ny at Clara, Florida, where Martin Ta- are calling us rotten, and how about bert is said to have been flogged to the people down here? Must they de- death, will be subject of inquiry. pend on what these newspapers say?"

To Probe County Judge.

The committee also will investigate the office of county Judge J. B. Willis, said that he had been beaten until the flesh was rotting off his body," he held court session at any time of day declared, in referring to the Baker or night whenever a prisoner was county flogging case which has re- brought in by Sheriff Jones, and im- sulted in an indictment being returned posed the customary fine of \$25, or against a "whipping boss."

Before entering upon the flogging phase of the Tabert case the investi- gating committee will await the action of the senate on the house resolution, which seeks to make the committee's inquiry "cover every other instance in the state of Florida, where it has been charged that cruelty to convicts has occurred in county convict leased camps, particularly the alleged case of MacClenny, Baker county.

Much resentment has cropped out in both branches of the general assembly over the resolution adopted by the North Dakota legislature, and during the debate on the resolution tomorrow, it is considered certain that the action taken in the northwestern state will be again attacked.

A lengthy telegram was sent to Governor Nestos of North Dakota, today by the joint investigating committee, that they were ready to proceed with their investigation, and asked for the names of parties who presented evidence to the North Dakota legislature. Senator W. A. MacWilliams, of St. Augustine, who introduced the resolution for the joint inquiry into the death of Tabert, declared today while the committee was in session that "my resolution asked for an investigation into the testimony upon which the resolution passed by the North Dakota legislature was based.

Criticizes North Dakota Act.

"In the first place," continued the senator, "I want to say that in my opinion North Dakota had no business to pass the resolution. In drafting my resolution calling for the appointment of this committee I so worded it because I wanted to show the people of the United States that the North Dakota resolution was predicated upon an exparte view and as such was absolutely unwarranted."

"Higginbotham has been indicted," he declared, "and I understand that there is a civil suit pending against the Putnam Lumber Company, while it might be wise for us to take testimony on certain points, and on the charges relating to the sheriff of Leon county (J. R. Jones)—it would be a very reprehensible thing if the sheriff were to take \$20 a head for prisoners he turned over to the lumber company—for us to usurp the functions of the court in civil and criminal matters might not be at this time wise."

Walter Higginbotham was indicted yesterday by a grand jury at Madison, for murder in connection with Tabert's death. He was a convict boss.

Lumber Company to be Heard.

Senator McWilliams read a telegram from the Putnam Lumber Company, requesting that it be allowed to present evidence at the investigation. The committee informed the company

"The papers have told of how a young convict by the name of White said that he had been beaten until the flesh was rotting off his body," he declared, in referring to the Baker county flogging case which has resulted in an indictment being returned against a "whipping boss."

"It was further declared," continued Mr. Kennerly, "that Senator Knabb, owner of the turpentine convict leased camp, did not interfere. What will the people think? My God, we are just in bad and we have got to get from under. If we are guilty, we ought to have nerve enough to come out and say so. I'm in favor of the investigation to the fullest extent."

FLORIDA LAWMAKERS VOTE PEONAGE INQUIRY

The House Concurs, and a Joint
Committee Will Investigate
the Tabert Case.

TALLAHASSEE, Fla., April 6 (Associated Press).—The machinery was set up today for a legislative investigation into the death of Martin Tabert, of North Dakota, who is alleged to have been taken from a night train in this State in December, 1921, tried at night, sent to a private contract camp and to have died as the result of brutal treatment. The House voted overwhelmingly to concur in a joint resolution adopted yesterday for a joint legislative investigation, the committee to be composed of two members from the Senate and three from the House.

The committee, which is charged with calling upon Governor Jones of North Dakota for all evidence in the case, will not begin its work before some time next week.

Tabert's death already has occupied a large part of the first four days of the Florida Legislature in its biennial sixth days' session and has provided fireworks for what would ordinarily have been routine organization proceedings. When the House hopper was opened today two bills were introduced to abolish the county convict lease system under which it is asserted that Tabert died.

On the Tabert case proper, the House acted quickly today, the slight opposition to an investigation which developed loudly when the question was first injected, yielding with but little of the fight it originally showed.

As the first order of business, a Committee of Five named on Tuesday to study a resolution from the North Dakota Legislature, reported back recommending that a full investigation be made. This committee, headed by Fred H. Davis of Leon, recommended that the inquiry be exhaustive in order that any abuse similar to Tabert's case might be eliminated. It recommended that the investigating committee be not composed of any members from a county where convict abuses have been reported recently. In referring to Tabert's case, specifically, it points to the prompt action taken by Governor Hardee in instituting an investigation as soon as the matter was reported to him.

"The Whipping Boss"

We have been printing a story during the last few days that might have come out of the jungles of South Russia a thousand years ago or from the helot pen of a Roman exarch.

But the story had no flavor of antiquity and nothing of classic beauty to cover its drabness. It came out of a neighboring southern state, the state of flowers, sunshine and laughing waters. The participants are our own people. They are not strange barbarians from another race.

The system of peonage has so grown up in Florida that it, of necessity, creates a job of "whipping boss," and the holder of that job rejoices in the good old Anglo-Saxon name of Higginbotham. Down in Florida they have a contract lease system for convicts. If a young boy strays away from home, is caught among strangers in Florida and is arrested he is tried for vagrancy or for trespass, if he is picked up on the right side of a railroad, and then he is fined. Then he is turned over to some private company where he is expected to work out his fine.

A boy from Dakota got down into Florida. He served honorably in the army of his country during the war. He was convicted of some misdemeanor. He was transferred to a lumber camp and there his crucifixion began. His people were well to do. They sent money down to pay his fine, but it came in a registered letter and the sheriff returned the letter. The boy was off in a camp, and the sheriff, rather than be bothered, sent the letter back.

In the meantime, the boy has been beaten to death. He had not worked to the satisfaction of the lumber people. The boy claimed that he was sick. He was reported to the "whipping boss," Mr. Higginbotham. Mr. Higginbotham bared his back and lashed it; and again the young man was whipped, and the young man died.

Of course, any young man of spirit would die of a broken heart if he were lashed like a dog by another man. The death of this boy excited interest in a neighboring state and once more the hideousness of this convict lease system is shown.

Labor in Florida is scarce. Lumber and other things are in good demand. In several counties the law officers got very busy. Young men were arrested on the slightest provocation. If they can't pay their fines, into the lumber camp they go; or into some other camp. The testimony has already shown that one sheriff got \$20 a head for turning over men to the lumber camps.

One magistrate ran his fees up from \$2,500 to about \$5,000 a year for issuing commitment and other orders.

The Florida Legislature is investigating. The Legislature is greatly shocked. Officials are amazed at what has been going on. A bill abolishing the convict lease system is being rushed to the Legislature. Another bill abolishes whipping as a means of punishment. Under this law Mr. Higginbotham, the whipping boss, will lose his job.

Now what is being exposed in Florida has been exposed in many other states. Florida is simply following a system that has grown up in this country following the war and the increase in

population. Wherever convicts have been leased to private interests the result has been scandal, cruelty and disgrace. This is true in northern as well as in southern states.

Somehow when men get dominion over the bodies of other men their appetite for cruelty becomes whetted. The executioners in the old days liked their jobs. Recently hangmen and electrocutioners held a convention. They insisted that their work was a profession and that they should have the respect of members of other professions.

Men who day in and day out turn the keys in the lock that keep men prisoners finally come to like the work. Mr. Higginbotham evidently loved his work or he would have thrown up the job.

A man should be punished for his crime, but no man should be tortured for his crime. Once men were branded and flogged and drawn and quartered. These things are not supposed to be done any more. Some of the states have got well away from this order. In Tennessee no convict is worked beyond the prison walls except under jurisdiction of the state itself. In most of the states leasing prisoners has been abandoned.

In some of the western states the penitentiary doors have been opened and the convicts, under the direction of state officers, are building roads and doing other public work. Under this system more men are being remade than are being destroyed. They come out stronger in mind and body and feeling that their soul is still their own.

A "whipping boss" has no place in any Christian community. The young man who was beaten to death and who served his country in France may serve again by calling attention to a horrible process of human slavery and human cruelty.

A false sympathy for convicts is a bad thing, but the law in its stern decree as to wrong doing does not contemplate a system which brutalizes him who has broken the law and makes a beast of him who is in control of the convicted man.

18.—Martin Tabert's back was a mass of broken flesh, when T. W. Higginbotham, whipping boss, had finished the final flogging, John Gardner, fellow prisoner with Tabert, Wednesday told the legislative committee investigating Tabert's death.

His bunk-mates helped Tabert undress. Blood was streaming from half a hundred ugly wounds where the North Dakota youth fell gasping onto his cot.

Tabert was very ill the next day Gardner continued, but he was forced to appear in the mess hall for breakfast. He couldn't eat. Guards sent him back to his bunk. Negroes were told to force quinine down Tabert's throat. But nausea from pain made this measure useless. No

Witness Tells Florida Solons How Convict Boss Beat Young Tabert.

By International News Service.

TALLAHASSEE, Fla., April

physician appeared, Gardner testified.

GIVEN \$1 MONTH.

Gardner testified that he himself was beaten three times and always about 30 blows, or more, were given. He was released at the completion of his 90 day sentence, given \$3 for pay at \$1 a month, and railroad fare to Tallahassee.

The food in the camp was unfit for human use, he testified. Soggy corn bread was the principal dish at every meal. Occasionally fat pork was served which the prisoners could not eat, he said.

Dr. T. Capers Jones, physician for the Putnam Lumber Company, followed Gardner on the stand. He said the food furnished prisoners formed a well balanced, diet and was well prepared. The men rarely complained of it, he said, or of the treatment they received. He said inspected the camp frequently. Dr. Jones said he was a graduate of the Memphis Medical College in 1903 and had been a practicing physician since.

Jones claimed Martin Tabert died from pneumonia and that had he been as ill Friday, when whipped by Higginbotham, as he was the following Monday, the beating would have killed him then.

His connection with the lumber company, the doctor said, would not lead him to give testimony favorable to them unless it were facts. His answers on cross-examination seemed badly confused.

REPEATED BEATINGS.

Gardner, who is a soldier of Fort Sam Houston, Texas, in describing the repeated beatings he suffered when a prisoner in the same camp with Tabert, said he was made to lie face down on the ground, with back and legs bare, while T. W. Higginbotham, whipping boss now under indictment for first degree murder in Tabert's death, laid on 30 lashes with his seven pound whip. Faint with pain, Gardner rose after the beating and returned to work, but because his steps were not as brisk as Higginbotham thought they should be, he was called back. 25 more lashes, he testified, fell on his back, and the blood crimsoned as the cruel whip rose and fell. Open wounds on his back remained for a month after the whipping, he said.

Three attorneys are here representing the Putnam Lumber Company, of Wisconsin, which claims to have been misrepresented in testimony of Tabert's death. The company's request for a day in court has been granted by the committee.

Senator John P. Stokes, chairman of the joint committee, is conducting the examination of witnesses and his sharp queries seem directed to bringing out every point in the grim story.

MOTHER WANTED.

Mrs. Ben Tabert, mother of the North Dakota lad, and Otto Tabert, his brother, will be summoned be-

LASH GASHED
BACK OF
PRISONER

fore the joint legislative investigation committee, if the request of Judge Kneeshaw is granted. The North Dakota attorney Wednesday requests the summoning of two score witnesses from all parts of the United States.

Other witnesses who can throw light on the alleged cruelties in Florida convict camps, and other circumstances leading to Tabert's death were named by Judge Kneeshaw and G. G. Grimson, special Assistant Attorney General of North Dakota.

They included Paul Tarlton, Sutherland, Va.; Max Grim, Brooklyn, N. Y.; I. H. Schwartz, Cincinnati; H. C. Cruise, Memphis, Tenn.; John Marinz, Tacoma, Wash. H. E. Moore, postal clerk who returned the letter which contained money to pay Tabert's fine; W. F. Banks, Chief of Police, Tallahassee, and a score of others, including former guards, fellow prisoners and residents of the section near the Putnam Lumber Company's camp where Tabert died.

HOUSE BANS LASH.

Sweeping reforms in treatment of convicts were added the House bill designed to abolish the county convict leasing system when the House, by vote of 63 to 15, adopted an amendment forbidding flogging of prisoners, limiting hours of prison labor to 10 hours daily and providing for punishment by solitary confinement.

The amendment was offered by Representative Fred Davis, of Leon County.

"The convict lash system has given Florida more trouble than the convict lease system," Davis said. "I hope to see such punishment banned forever from our state."

He quoted from the bill of rights of the State Constitution, showing that it was never intended to mete such cruel and unusual punishments to prisoners.

INDICT 'WHIPPING BOSS' AS SLAYER

\$10,000 Bail for Higginbotham,

Accused of Killing Tabert in Convict Camp.

DEATH FOLLOWED LASHING

Fellow Prisoner Declares Boss

Had Heel on Boy's Neck as He Applied the Whip.

MADISON, Florida, April 12.—At liberty to-day on \$10,000 bail, Walter Higginbotham, convict camp "whipping boss," is awaiting trial for first degree murder in connection with the death of Martin Tabert of North Dakota, who, witnesses said, was beaten

to death by Higginbotham.

The Madison County grand jury indicted Higginbotham late yesterday on three counts. His trial may come up May 15 at Cross City, county seat of Dixie County, where the alleged beating took place in February, 1922.

Counsel for Higginbotham said they would admit the use of the lash, but would attempt to show that Tabert's punishment was not severe enough to cause death. Camp officials maintain that Tabert died of natural causes.

To Sue for \$50,000.

Counsel for Tabert's family in North Dakota announced that after the trial a suit will be filed in the federal court of Florida or that of Wisconsin against the Putnam Lumber Company for \$50,000 damages. Higginbotham was employed by the company at the time of Tabert's whipping.

John T. Gardner, private, Battery F, Fourth United States Field Artillery, stationed at Fort Sam Houston, Texas, one of the seventeen witnesses, gave a graphic description of alleged brutalities at the lumber company's convict camp.

He said that while serving as a convict with Tabert, after having been sentenced for stealing a train ride on his way to his home in Altoona, Pa., in January, 1922, he frequently had been beaten by Higginbotham. He told G. Grimson, state's attorney from North Dakota, that Tabert was called out of line one night when the prisoners were being counted in, stripped of his underclothes by Higginbotham, given eighty lashes, and then, as Tabert did not arise because of his weakness, he received from Higginbotham a like number of lashes.

Heel on Neck During Whipping.

The "whipping boss," according to the witness, had his heel on Tabert's neck, grinding his face into the soft sand, while the whipping was going on. As Tabert lay dying in his bunk the next day, Gardner stated, the prisoners were afraid to ask for a doctor. Two Negro convicts, he added, wrapped the body in a blanket and took it away. Higginbotham left the camp a few days later, Gardner said.

J. W. Jackson, former convict guard, testified that Tabert's body was covered with "deep gashes" from Higginbotham's whip and his head was severely bruised where the whipping boss had beat him with the butt of the whip. Ninie Bell, another former guard, told the grand jury that Tabert's whipping was so severe, in his opinion, that it was the cause of his death.

Word comes from Tallahassee that the witnesses examined here would be summoned before the joint legislative committee, which is investigating Tabert's death.

FLORIDA BARS STRAP ON COUNTY CONVICTS

Witnesses Tell of Tabert Funeral; Two Women Honor Unknown Lad

TALLAHASSEE, FLA., April 18.—The use of the strap on misdemeanor of county convicts was placed under a ban by the house today in the adoption of an amendment to the measure looking to the abolition of the county convict lease system.

The amendment, offered by Representative Fred Davis of Leon, went through with but half the struggle anticipated for it. Fifty members voted against it, while Representative Taylor, of Hillsborough, took the floor against it, asserting there are cases when prisoners cannot be handled, especially true, he said, of negroes, without the use of the whip. To send out the word to the convicts of the state that their guards cannot longer apply the lash, he said, would make them unmanageable.

TALLAHASSEE, FLA., April 18.—The funeral of Martin Tabert, of North Dakota, alleged victim of the whip of a convict boss, in the community cemetery of sparsely settled Clara, Florida, with a small group of townspeople singing hymns, wide-eyed school children looking on and an itinerant pastor officiating, was described before the legislative investigating committee here today.

B. Duffet, an employe of the Putnam Lumber Company, which had Tabert under lease, said he asked two women of the town to attend, and on the way to the burial grounds, the two women testified they ran across the preacher en route to his periodical service, and asked him to deliver the funeral sermon.

Tried to Give Christian Burial

The women, Mrs. Mayte Mills and Mrs. Ollie Rhodes, asserting they knew nothing at the time of the identity of the boy, endeavored to give him a Christian burial. They only knew that the youth had died away from his mother, they said.

Their testimony was introduced by the lumber company to refute that already given to the effect that the youngster's body was placed in a plain box in the garb of an escaped negro convict, and buried without any ceremony.

School Children Present

About the time the body was lowered into the grave, a country school nearby turned out, according to Mrs. Rhodes, and a Miss Phillips, the school teacher, huddled her charges over to the scene in order to add to the attendance.

Counsel for the Putnam company, through Duffet, introduced evidence that Tabert was buried in a coffin costing \$30. Statements previously made by G. Grimson and J. W. Kneeshaw, assistant attorneys general of North Dakota, were to the effect that Tabert was laid to rest in a \$10 coffin. The undertakers' receipt also was placed in evidence.

Testimony Taken

The hearing today was devoted mostly to the taking of testimony from witnesses summoned by the Putnam company to appear before the committee. Prior to these witnesses being

heard, Glenn Thompson, Sidney, Iowa; John Gardner, Fort Sam Houston, Texas, and A. B. Shivers, Doerun, Ga., the first two being former convicts and the latter a former guard, testified as to a number of floggings given to prisoners while they served at the camp, and the flogging of Martin Tabert, which they said resulted in his death four days later.

Gardner told how he was whipped at the camp by Walter Higginbotham, the whipping boss, now under an indictment charging murder in connection with the Tabert death. Gardner also related that he witnessed the flogging of Tabert in which more than a hundred licks were administered.

Following Gardner was the convict camp physician, Dr. T. Capers, Jones, who testified that he had attended Tabert for three days prior to his death and twice before this occasion.

He declared that death was due primarily to pneumonia and other complications. On the burial permit he said he gave the cause as pneumonia with a complication of malaria.

This, he said, was incorrect and added that Tabert was really infected with a disease producing running sores and ulcers, pneumonia developing afterwards. The physician said he made the burial permit read otherwise to avoid any embarrassment to Tabert's family. On questioning, however, he said that at the time of the death he did not know whether the boy had any relatives.

Dr. Jones said he examined Tabert thoroughly and that there were no signs of his having received any whipping, nor had the youth complained to him along this line.

Admits Whipping Could Kill.

The physician admitted that a person could contract pneumonia after having received bruises or other injuries and in a reply to a hypothetical question propounded by Senator John P. Stokes chairman of the committee, to the effect that Tabert had been whipped in the way other witnesses had described or assuming that he had been given fifty licks, what effect it would have had on a man in Tabert's condition, he said:

"I think it would have killed him." The physician said he had been practicing for twenty years, devoting much of this time to convict and free labor camps in Florida and other states. He declared that the sanitary conditions at this camp were good and that to his knowledge the prisoners were well taken care of.

Owned Stock in Store.

After being excused he was recalled and admitted that while he was not a stockholder in the lumber company, he owned stock in the Clara Mercantile Company, which, he said, was operated by the lumber company.

The next witness, Fred Williams, a former convict at the lumber company, testified that on two occasions he was whipped severely by Higginbotham, and another whipping boss named "Captain Johnson." These whippings were given him in the woods, he said because "Captain Higginbotham told me I couldn't tote my end of the log and I was toting it all I could."

Worked In Water.

Williams said that while he served at the camp he was forced to work in water ranging from the knees to

the hips in depth. He was asked if he was required to do this in the winter time, and he replied, "yes sir, and the water was sure cold."

The witness said that he had gained weight during his forced hard labor and that he was given plenty of clothes and plenty to eat.

Ernest Priest, an employee of the lumber company, told the committee that he was now in possession of the strap said to have been the property of Higginbotham and that placing it on the scales it weighed two pounds. He said that the strap had been found "in the woods" and brought to him to give to the camp warden. He denied that he took it to Tampa for repairs following Tabert's death.

FLORIDA TAKES ACTION.

The State of Florida is to be commended for its ready response to the call of conscience and self-respect which prompted the State to take action in the matter of its duty to Martin Tabert. This North Dakota youth, who had done nothing more serious than to steal a ride on a train, happened to get caught in Florida. Having no money to pay his fine, he was sent to a lumber camp to work out his penalty. While doing his time he was unmercifully whipped by a gang boss, and soon after died from his injuries.

The State of North Dakota took official action, insofar as the limitations of its power would permit in the circumstances, remonstrated with Florida and asked that a thorough investigation of the crime be instituted. The tragedy has received publicity throughout the United States, and has done an injury to the name of Florida which only Florida itself can repair.

Florida thus far has acted with spirit and pride in the matter. It investigated the circumstances of the boy's death, and now it arrests the man who is said to have administered the fatal whipping. The trial will go forward in due time.

There are two things more which the State can do to make amends and at the same time please public opinion. Florida can abolish the convict system under which the murder occurred, and substitute for it a system of State responsibility for the welfare and safety of its charges. All control over the lives and bodies and working conditions of convicts should be vested in State officials as in Alabama, for instance. In addition, it would be a handsome thing to do if Florida would offer some measure of material reparation to the family of the boy who died under such unfortunate circumstances.

Crime — 1923

PRISON CONDITIONS IN SOUTH CAROLINA.

While the New York "World" is making a nation-wide exposure of the Florida convict lease system, the Columbia "State" is making an exposure of local prison conditions in South Carolina. A recent issue of that newspaper carried two photographs—one of a colored man strapped up by the hands ready to be whipped. The caption under this picture reads:

"In special whipping room: showing present methods of securing prisoners and the whipping strap. It should be remembered prisoners are stripped before the punishment is administered."

The other photograph shows a colored woman with her hands in stocks. The caption under this picture reads:

"Stocks for women. Negro woman in stocks used for whipping. Women prisoners are stripped to the waist for whippings which are administered by men. The strokes from the lash here can be heard and counted by persons on the yard 200 feet away."

The American people have grown so used to cruelties and brutalities that their consciences have become numb. A person from a really civilized country, a country, say, like Switzerland, would imagine that a case like the Martin Tabert case, or these photographs and captions in the Columbia "State," or the shooting down of hundreds of defenseless men and women as happened in the Arkansas massacre, or the torturing and burning at the stake of human beings, would arouse a wave of indignation and action in the United States that would almost immediately abolish such practices.

But that is not the case. The only cruelties, brutalities and atrocities that arouse righteous wrath in the hearts of Americans are those which happen in Turkey or some other so-called benighted land.

FLORIDA'S PEONAGE SCANDAL.

Stirred to action by the Tabert exposure, the Governor of Florida has recommended that "the private lease of county convicts be abolished." The Legislature has ordered an investigation of the abusive treatment of young MARTIN TABERT, a North Dakotan, which resulted in his death in a Leon County lumber camp. An end was put to the leasing of State convicts in 1919. Why the county system was not done away with at the same time only certain employers of labor on a large scale and conniving politicians could explain. A State Senator has lately been a beneficiary of the slavery of whites and blacks which is as revolting in some of its features as was negro slavery in the old South.

Tallahassee, the capital of Florida, is in Leon. It is inconceivable that the conditions of the county leasing of convicts were not known there: the wretched housing, the forced labor in remote clearings, in fetid swamps, on sun-baked roads, the beatings with leather straps of the weak and ailing, the vile food, and the filth in which the mixed gangs of blacks and whites lived. Here is an entry from a diary kept by a companion of MARTIN TABERT:

For a month and a half we never got water in which to wash our faces and did not take a single bath. We could not shave, and our hair, hands and clothes were sticky with pine sap. The day MARTIN got his beating in my presence he received twenty or thirty blows. I could not even look directly at him, as we are not per-

mitted to look when a prisoner is being whipped. If we look we get it, too.

Doubtless there were people in Florida who classed all the unfortunates as dangerous criminals, not amenable to humane treatment. TABERT was not debased nor degenerate. The offense for which he received a jail sentence, converted into hard labor in a lumber camp, was the stealing of a ride on a railroad. For this offense he was leased out for the term of ninety days. He contracted pernicious malaria, his strength failed, he could not work hard enough to please an overseer or fore-

man who got the last ounce of effort out of the "convict," if necessary with the lash; and at last young TABERT collapsed and died. He was buried in an unknown grave, this youngster who was of a respectable farming family and had left home to see the world. Of his fate nothing would have been known if a fellow "convict," also from the West, had not written a letter to TABERT's parents. Their inquiries availed nothing. A North Dakota attorney sent to Florida ran the infamy down. The North Dakota Legislature then called upon the Florida Legislature for an investigation. The overseer, whose office it was to make the "convicts" work to the limit of their strength, well or sick—the brute who beat TABERT—was arrested and he will be prosecuted. The fact is that peonage was still tolerated in Florida, although it had been denounced by a committee of Congress, which investigated it in 1908. Now it must go. Peonage is the last stand of slavery.

**PUNISHMENT HUMANE
OFFICIAL "WHIPPER"
TELLS LEGISLATORS**

Higginbotham Appears Before Investigating Committee of Florida

SAYS TABERT ONLY GIVEN SIX OR EIGHT GENTLE BLOWS

Florida Attention Will Be Turned to Alleged Brutalities in State Camps

TALLAHASSEE, FLA., April 15.—The first day of the investigation into alleged convict abuses in this state that part of it relating to the death of Martin Tabert of North Dakota in the private camp of the Putnam Lumber Company, at Clara, Fla., drew near the end today with the dramatic appearance of Walter Higginbotham, the camp "whipping boss." Higginbotham, 35 years old, and standing five feet seven inches in his shoes, attired in a neat blue serge suit and silk shirt, came briskly into the committee room in response to his summons.

Committee members said frankly that he belied their mental pictures of him.

Higginbotham told the committee in a few words that while he was the official "whipper" of the lumber camp, he carried on his work in a humane manner. He never administered more than 10 or 11 lashes at one time, while his monthly punishments averaged about ten, he said. He did not give Tabert more than six or eight blows, gentle ones, he testified.

The committee announced tonight that it expected to conclude the hearing in Tabert's case Saturday. Tomorrow two members of the committee, Representative J. Clay Smith and C. H. Kennerly, will go to Clara to view the grave of the youngster. In an executive meeting tonight, the commission decided officially to invite an Associated Press correspondent to accompany them.

After a lengthy session today, the committee recessed until Saturday morning to allow time for the summoning of eight witnesses, four residing here, and the others in nearby Florida towns, by G. Grimson and J. W. Kneeshaw, assistant attorney of North Dakota.

It is expected that the committee will start next on its investigation into reported brutalities at the county lease convict camp of State Senator T. J. Knabb in Baker county, where Paul R. White, of Washington, D. C., is alleged to have been treated brutally.

Today's developments in the Tabert case came fast. Two former employees of the Putnam Lumber Company, M. H. Lagrone, of Meigs, Ga., and Jesse W. Walters of Gross City, Fla., testified that they recommended to Higginbotham that Tabert be whipped because he was not doing his work properly and that the number of licks given him were not more than ten.

Dr. C. M. Ausley, of Tallahassee, chairman of the board of the county commissioners of Leon county at the time the board entered into contract with the Putnam company to supply it with prisoners, gave his professional opinion that pneumonia which had been alleged by the lumber company as the primary cause of Tabert's death, might be induced by a severe whipping such as Tabert is said to have received.

Assistant Attorney Grimson informed the committee that it would not be necessary to summon but eight of the 37 witnesses which he had requested Tuesday. Those residing as far west as the state of Washington and North Dakota, including the mother and brother of Tabert, will not testify.

Going to Extremes.

The stories told in connection with the indictment of a Florida convict camp guard for extreme cruelty to prisoners are shocking and disheartening. Witnesses declare that for

the criminal... against the individuals... ke up society and all that it... andos for. So that coddling and torture in almost equal measures defeat the very end for which punishment is intended.

In their prison methods as in other things Americans are prone to go

to unnecessary extremes. Very frequently they neglect the happy means which contains the solution for the problem with which they are concerned. Prisons should be neither places of torture nor institutions for ease and luxury. Prisoners must be made to realize that they are being punished for their offenses just as they must be made to understand that rewards await them for good conduct in the future. The right of organized society to punish some of its members for infractions of its code is based on the need for society to preserve its own existence. The aim is to prevent a recurrence of such infractions and measures of leniency just the same as methods of brutality that defeat this aim are equally to be avoided.

Death of White Boy Stirs Crusade To End Fla. Peonage Evil

North Dakota Demands Abolition of Vicious System After One of Her Sons Dies In Convict Labor Camp

Expose Southern Slavery
Edna Hennessey
Boy Held in Practical Slavery Was Beaten to Death By Overseers—Many Negro Lads Suffer Same Fate 4-12-23

(Crusader Service.)
Langdon, N. D., April 9.—Out of the death in a Southern convict camp of a white farmer boy who started out to "see the world" has arisen the extraordinary situation of North Dakota as a State, protesting to Florida, as a State, against the conditions which made the tragedy possible.

Out of this protest in turn has sprung the probability not only that the law will avenge the boy's death but that Florida will bring to an end the "peonage" system that has involved thousands of Negro workers and hundreds of wayfarers in that State through many years. Gov. Hardee has, indeed, declared his

purpose of demanding this action at the session of the Florida Legislature which begins next week. The farmer boy who as the first cause of this unusual series of events involving the first real protests by hites against the system which has for so long victimized the Negro populations of the South, was Martin Tabert of a well known family of Munich, Cavalier County. He died Feb. 1, 1922, in a lumber camp in Leon County, Fla. For six months his death meant nothing to anybody but his family. Then begun an investigation which brought about these results:

North Dakota solemnly charged that Tabert came to his end as a result of the forced convict labor system legalized in Florida.

North Dakota solemnly charged that he died as the result of "abuse and torture, inflicted upon him while he was unjustly held in a state of practical slavery. Tabert's friends here say he was beaten to death by a heavy whip in the hands of a 'convict-labor whipping boss.'

North Dakota solemnly demands of Florida that it shall "make impossible the commission of such abuses in the future;" in other words, that Florida repeals its convict labor laws at once.

In the fall of 1921, Martin Tabert, twenty-two-year-old son of Mr. and Mrs. Ben Tabert of Munich, decided he would spend the remainder of the season in the Central states and the winter in the South. Up to this time nearly all of his life had been spent on the farm a few miles from Munich, a small town in the Southwestern part of Cavalier County.

All went well with him until he reached Florida and there found a labor condition different from anything known to him, and he shortly "went broke." He was then a stranger in a strange land with no one to appeal to for help or advice. Instead of turning back and working his way home, or writing for help, he evidently decided to go on. In doing that he made a fatal mistake of riding on a train in Florida without a ticket.

Sentenced to Ninety Days
On Dec. 15, 1921, he was arrested by a deputy sheriff in Leon

County, Fla., for stealing a ride on a railroad train. He was then taken before an official, who fined him \$25, or in lieu of payment sentenced him to serve ninety days. He was unable to pay the fine and wired his brother. The telegram sent is as follows:

Tallahassee, Fla.,—John Tabert, Munich, N. D.—In trouble and need \$50.00 to pay fine for vagrancy. Please wire money in care of sheriff. MARTIN TABERT.

Upon receipt of the telegram, John Tabert took it to the parents and it was decided to write, send him more money than he called for, and urge him to come home. On Dec. 21, a letter was sent to him registered, and in care of Sheriff J. R. Jones. The letter contained a draft on the First National Bank of Munich for \$75. According to the postmark on the letter, it was received by the Sheriff at Tallahassee, Fla., on Dec. 2. It was returned to Mrs. Ben Tabert at Munich. On the face of it was stamped "Returned to writer unclaimed from Tallahassee, Fla.," There was also written on the envelope, "r'd by request of Sheriff. Party gone."

Letter tells of Death
The return of the letter thus postmarked caused the Tabert family at Munich to believe that Martin had found some way of securing his release. They wrote for further information and received the following replies:

Clara, Fla., Feb. 15, 1923
Attorney Norris Nelson,
Munich, N. D.

Dear Sir: Replying to yours of the 9th, with reference to the death of Martin Tabert. Beg to advise that we have all able bodied prisoners from Leon County leased for a term of one year. We, of course, have to clothe, feed and house these prisoners. At once a month the State prison inspector goes through our camp and makes careful inspection. We also furnish a doctor. When Martin was taken sick, the Dr. advised that he would not take his medicine regularly. He first had malaria fever, which terminated in pneumonia. He was not sick but a short time and one of the prisoners taken off the work to wait on him.

Martin Tabert was sentenced in

Tallahassee on December 14th to serve a term of three months. We do not understand why the Sheriff of Leon County should not have told the people he had gone and did not accept the money for his release. This will have to be taken up with the State officials.

Trusting we have given the information you desire, we are,
Yours very truly,
PUTNAM LUMBER CO., V.

Tallahassee, Fla., Feb. 17, 1923
Hon. Norris H. Nelson, Munich, N. D.

Dear Sir: Your letter of Feb. 9, 1922, received, and beg to say that Martin Tabert was arrested here on Dec. 15, 1921, for beating his way on a railroad train, which is a violation of the State law. He was fined \$25 and costs or three months. All able bodied prisoners that fail to pay their fines are leased to the Putnam Lumber Co., at Clara, Fla., which is sixty miles from this place, and are sent there if they stand a physical examination, which he did by Dr. B. J. Bend of this city, if they fail to pay their fines and costs within two days time, so you can see this man was in good health when he left here for the camp at Clara, Fla.

He was never brought back here after he was delivered to the Putnam Lumber Co.

There was some money wired to him here after he had gone, but I could not get it, as it was sent in his name. I therefore returned it.

Respectfully,
J. R. JONES,
Sheriff Leon County, Florida.

The letters explained how he came to get to the hands of the Putnam Lumber Company. It was not entirely unreasonable to believe that he might have been taken sick, died and was buried just as stated. The Taberts have never experienced anything but honorable treatment from public officials or from such corporations, and the letter sent so thoroughly convinced them that there was nothing irregular in the affair that nothing further was done for five months.

Name Committee To Probe Death Of Young Convict

Grand Jury Investigation Ordered and Legislature Also Takes Action,

Tallahassee, Fla., April 9.—(By The Associated Press.)—The joint legislative committee which will investigate the death of Martin Tabert, of North Dakota, who met death under alleged brutal circumstances at a private convict camp in this state, was definitely set up today with the appointment of members of both houses to serve on it.

At the same time the house resolved to instruct the committee to examine Tabert's body, give it a "decent suit of clothes, decent coffin and a decent burial, at the expense of the state of Florida." 4-10-23
The house resolution regarding another burial for the youngster must be concurred in by the senate. Affidavits gathered by North Dakota officials charged that after being maltreated to death, the youngster's body was dressed in the clothing of an escaped negro convict, placed in an ordinary box and stuck in the ground.

When his name came before the legislature today, it had entered into every session of that body since its convening last Tuesday. It had been explained that his name would be mentioned today only with the appointment of members to comprise the investigating committee, but while the house was transacting routine business, Representative S. J. Giles, of Franklin county, offered a joint resolution providing for his burial, and asked that the rules be waived for its immediate consideration.

Probe Is Ordered.
Madison, Fla., April 9.—(By The Associated Press.)—A grand jury investigation into the death of Martin Tabert, Munich, N. D., youth, got under way here today, Circuit Judge M. F. Horne instructing the jury to go thoroughly into the case. Judge Horne did not put any particular stress on the case in his charge, merely asking the jury to make a full investigation.

Walter Higginbotham, a convict camp boss, is being held on a charge of murder in connection with the death of Tabert in a lumber camp in February, 1922, where he was serving three months' sentence.

John L. Gardner, a soldier stationed at Fort Sam Houston, Texas, and Glen Thompson, of Sidney, Iowa, principal witnesses for the state, arrived here today and will present their testimony when the Tabert case is taken up, probably Wednesday afternoon after the docket has been cleared of routine matters.

Crime — 1923.

1,000 MEN, WHITE AND BLACK, FEEL LASH IN FLORIDA CAMPS IN YEAR

WORLD
APRIL 9, 1923

Record Covers Only State Road
Camps—Those of Counties
and of Private Corporations
Would Add Other Chapters to
the Aggregate of Barbarity.

SOME PRISONERS FLOGGED
TWICE OR THREE TIMES.

Turpentine Rubbed in Wounds,
Observer Asserts—Strap Is
Moistened and Sand Worked
in to Roughen It—Tacks Re-
ported Used by "Whipper."

By SAMUEL D. McCOY
Staff Correspondent of The World
Special Despatch to The World
TALLAHASSEE, Fla., April 8.—As
a measure of "discipline," ninety-
three Negro prisoners were whipped
with the lash in Florida prison camps
during the last three months alone.
In addition, as already told by The
World, fifteen white prisoners have
been beaten, the most of them more
than once, in the same time.
This number applies only to the
prisoners in the State road camps.
It does not apply to those in the
county camps nor to those under
lease in the camps operated by pri-
vate concerns. From statements
made to me by men of high standing
and official position in Florida, and
taking those statements in conjunc-

tion with the official reports on whip-
pings, the estimate that 1,000 pris-
oners, black men and white, were
whipped with the lash in Florida last
year is extremely conservative.

Not a day goes by without the lash-
ing of two or three prisoners some-
where in Florida. Martin Tabert,
the North Dakota boy who died in
one of these camps, must have had
plenty of company that day he was
beaten with ninety-six lashes.

More Than Half Flogged.
To take the official prison punish-
ment records from last December to
this April, made and signed by the
whipping bosses in six of the State
road camps, where Negro prisoners
are worked, there were about 200
prisoners and ninety-three of them
were whipped.

At the State road camp near
Starke, Bradford County, which I
have visited, and where the number
of prisoners ranged from twenty-
six to thirty-six, under guard of
"Capt." J. S. McNeill, three prison-
ers were whipped in a single day,
Jan. 21. One is recorded as having
got three lashes, another four, the
third seven. The reason cited for
their punishment is "gambling."

In the road camp at Istachatta,
Citrus County, 100 miles north of
Tampa, four prisoners were whipped
in January. Two of them got three
lashes each. The other two got five
each. The Captain of the camp, W.
O. Hilliard, reports he did the whip-
ping himself, but on the recommen-
dation of guards D. W. Giddings, C.
Mathas and R. B. Parrish.

Six to Ten Lashes.
In the camp at High Springs, Co-
lumbia County, which had forty-five
prisoners at work under Capt. T. J.
Green and Guards J. W. Bell, W. A.
Bell, J. G. Cason and W. J. Edwards,
four men were whipped in January.
Seven were whipped in February.
One of these seven was whipped
twice that month. The number of
lashes ranged from six to ten. High
Springs is about sixty miles south-
east of Live Oak, Gov. Hardee's home.

At the camp at White House, Du-
val County, only ten miles west of
Jacksonville, the largest city in
Florida, the Captain in charge this
spring is C. L. Denmark. What was
it that Hamlet observed about the
State of Denmark? Capt. Denmark
is, or was, assisted by Guards G. E.

Deberry and J. H. Knight. The Gen-
eral Superintendent of Roads and
Convicts for Duval County is Capt.
W. C. Spooner of Jacksonville.

Capt. Denmark had some trouble-
some Negroes in his camp during
January this year. He was com-
pelled to whip six of them. Three
were whipped for "not working" and
three for "impudence." Each got ten
lashes.

They were stubborn Negroes.
Capt. Denmark records that three of
the six had to be whipped twice that
month. That made twenty lashes
for each.

This apparently quieted further
nonsense. No reports as to whip-
pings in that camp were on file in the
Commissioner's office at Tallahassee
from Capt. Denmark for February
and March.

Eight Whipped at Seville.
At the camp at Seville, Volusia
County, forty miles west of Ormond
Beach and therefore well out of ear-
shot of East Coast tourists, eight
prisoners were whipped in January.
Most of them got from six to ten
lashes, within the legal maximum,
but in the case of two of them the
number set down in Capt. J. H.
Hunter's handwriting, seems to be
"sixteen." Two were whipped for
"cursing," three for cutting through
the stockade floor, one for running
away and two for refusing to work.
One man was whipped twice. No re-
port was seen for February.

In March, the captain in charge at
Seville had become C. C. Daniels. He
whipped five men that month, one of
them being flogged twice. Their
offenses were escape, attempting
escape, refusal to work, gambling
and "getting drunk."

Capt. Denmark had been transferred
from Seville to the camp at Baldwin,
eighteen miles west of Jacksonville, at
the end of January. His assistants
there were G. T. Green and R. B.
Hilton. He seems to have found the
same refractory spirit on the part of
his prisoners at Baldwin that he had
found among those at Seville, for he
records that he whipped seven of
them in February and seven in March.
One of them he whipped twice, once
for fighting and once for "back talk."

Three Months' Lashings.
To resume: At the camp at Clevel-
and nine men were reported whipped
in three months, at the camp at Jas-
per twelve were whipped in the same
period, and at Fort White, under
Capt. Henderson, nineteen were
lashed. Henderson administered twen-
ty-four whippings, by his own report,
in ninety days.

At Cleveland Capt. Hammond
whipped two men each twice in March
and a third in the same month, three

men in February and three in Janu-
ary.

At Jasper, Hamilton County, Capt.
J. J. Milton whipped five different
prisoners in January, two in Febru-
ary and five in March. I have seen
a prisoner whom he whipped nearly
a year ago and who still bears on his
leg the scar of the lash.

Meet Capt. H. H. Henderson, in
charge of the State Road Camp No.
17, Fort White, Columbia County.
There are forty men in this camp on
the average, month after month.
Nineteen of them were whipped in
January, February and March. In
these three months he flogged two
men each twice and three three times
each. The total whippings admin-
istered in the six camps numbered
132 in ninety days. At this rate
the number in twelve months would
be approximately 525 for these six
camps alone. There are about thirty
State road camps in Florida. I asked
"Judge" Andrews, Chief Clerk of the
Prison Division of the Department of
Agriculture, if all of the thirty camps
do not report monthly regarding
whippings administered. Oh, no," he
replied. "If there have been no whip-
pings they don't bother to send in a
report."

In the column set off for a record of
lacerations under the whip, not one
entry among the 132 acknowledged
that any prisoner's skin had been
torn open, and yet almost any "whip-
ping boss" can draw blood with three
or four strokes of the lash. The
maximum allowed is ten strokes. A
well-to-do Florida business man in-
forms me he has been told by con-
vict guards in his county that they
usually rub turpentine or some salty
liquid upon the raw flesh they have
laid bare with the leather strap, and
that before flogging the prisoner they
have moistened the leather and
rubbed the roadside sand into its sur-
face until the thong is like rough
sandpaper.

A Federal official of this State tells
me of one "whipping boss" who came
from camp into town and purchased
copper tacks to drive through the
flat thong so their points would pro-
trude. This was reported recently.

O'Brien Denies Connection With Putnam Lumber Co.

Special Despatch to The World
ST. PAUL, April 8. — William J.
O'Brien, Vice President of the Louis
F. Dow Company, office outfitters
and manufacturers of advertising
specialties, is a native of St. Paul.
He has been with the Dow Company
seventeen years, starting as a book-
keeper. He is a stockholder in the
company, but is emphatic in his
statement that he has no connection
with the Putnam Lumber Company,
either as shareholder or as an official.
Since the publication of Miss Alice
O'Brien's statement denying that Ta-

bert was slain at a Putnam Lumber
Company camp, she has refused to
talk to newspaper men. She seems
to have been advised to cease making
statements and apparently is much
disturbed at the publicity given her
denial.

Grand Jury Tabert Inquiry To Be Begun Wednesday

MADISON, Fla., April 8.—The
Grand Jury investigation into the
death of Tabert will get under way
Wednesday of this week, it was an-
nounced to-night by J. R. Elley,
State's Attorney. The date for the
opening of the investigation previously
had been given as to-morrow.

Fifteen witnesses, among them sev-
eral who were serving with Tabert at
the time of his death, have been sum-
moned. Judge W. J. Kneeshaw of
Langdon, N. D., and State's Attorney
Grimson are here to assist in the in-
vestigation.

As the result of the death of Tabert,
bills have been introduced in the Flor-
ida Legislature seeking to abolish the
county convict leasing system, and
the Assembly has concurred in a joint
resolution for a joint legislative in-
vestigation of the case.

93 BLACKS, 15 WHITES FLOGGED IN 90 DAYS

Special Despatch to The World
TALLAHASSEE, Fla., April
8.—Official records show 108
prisoners—ninety-three Ne-
groes and fifteen whites—were
whipped in eleven Florida road
camps in the first ninety days
of this year.

This does not include those
in county camps or leased to
private companies, and it is
estimated 1,000 have been
whipped in all.

The reason given for the
beatings include stubbornness,
laziness, impudence, gambling,
drunkenness, attempting to
escape, disobedience, cursing
and fighting.

WILL BEGIN PROBE OF CONVICT'S DEATH Moulton Grand Jury Will Investi- gate Charges of Beat- ings in Camp

MADISON, FLA., April 8.—The grand
jury investigation of the death of
Martin Tabert, of Munich, N. D., al-
leged to have been beaten to death in
a private convict camp in Dixie coun-
ty early in 1921, will get under way
Wednesday of this week, it was an-

nounced tonight by J. R. Kelley, state's attorney. The date for the opening of the investigation previously had been given as tomorrow.

Walter Higginbotham, convict boss, is in jail in Dixie county on a charge of murder in connection with the affair. Tabert, who was convicted of riding a freight train and sentenced to thirty days in Leon county, was leased to the Public Florida Lumber company and is alleged to have died as the result of brutal treatment.

Fifteen witnesses, among them several who were serving with Tabert at the time of his death, have been summoned, Judge W. J. Kneeshaw, of Langdon, N. D., and state's attorney Grimsmon are here to assist in the investigation.

As the result of the death of Tabert bills have been introduced in the Florida legislature seeking to abolish the county convict leasing system and the assembly has concurred in a joint resolution for a joint legislative investigation of the case.

Judge M. F. Horne, of the third judicial circuit, will charge the grand jury.

Why Not Abolish the System?

The passage of a bill by the Florida House of Representatives to stop the practice of flogging and inflicting other tortures upon prisoners is but a tardy bit of justice. The startling revelations of conditions in the convict camps there have shocked the nation but these cruelties would probably be going on now if it were not for the fact that one of the victims died from the effects of the tortures he suffered. In other states than Florida, and especially where the system of leasing out convicts holds, the same or even worse conditions undoubtedly exist. So that it might be a warning to such states to look into their own affairs.

It may be all right to pass laws against cruelty but it would be much better if the entire system of leasing convicts should be abolished. They are the prisoners of the state because they have violated the laws of the state and the object of their punishment is the protection of society. They were not sent to prison so that some employer of labor in some kind of work could reap profits from their labor. If they are able bodied, of course, they must work for the state so that at least some of the expense of their upkeep might be saved. But they are not slaves to be sold into peonage for the financial profit of any one.

It is well to prevent cruelty, but it would be better to prevent the occasion of cruelty.

FLORIDA'S CONVICT SCANDAL.

The State of Florida so aid of newspaper advertising and which has profited so much by tourists influenced to visit Florida by good newspaper advertising, is now getting widespread newspaper notoriety which is humiliating. Florida is reaping the consequences of being behind the times in its treatment of its convicts.

Montgomery, particularly its neighboring States, abolishing the convict lease system. Florida yet clung to a part of the system, with the usual certain result, a revolting scandal. Such things are inevitable when convicts through lease pass out of the control of the State to representatives of commercial interests, who are interested in making money out of the labor of the convicts.

It has been demonstrated again and again, by such scandals of brutality as the one which is now disturbing Florida, that a State can not safely give life and death control over its convicts to business interests which hire the convicts for the products of their labor. The men at the head of such companies may be humane and God-fearing, but they do not guard the convicts and they are not with them when they go into the woods, in the complete control of guards and foremen.

The Florida case which has developed into a controversy, so far without acrimony, between the States of North Dakota and Florida, is a damning indictment of the convict lease system. It began when Martin Tabert, of North Dakota, when just a boy left his home in Munich, N. D., because he was tired of the regular work on the farm and wanted to see the world. Once a wanderer and incipient tramp, Tabert decided to visit Florida in January of 1921. He was riding freights, blind baggages and the rods on his travels. In Leon county, Florida, he was taken off a freight train, haled into a justice of the peace's court, and found guilty of vagrancy. Stealing a ride is not an especially harmful crime, but it is an offense against which there must necessarily be some provision of law. So far the case is identical with many others. The wanderer and adventurer takes his liberty in his hands and matches wits with the officers of the law, when he steals rides on trains.

Leon county leases its convicts to the Putnam Lumber Company, the plant of which is near Walton. Young Tabert was sent to this lumber camp to work out his fine and costs. The officers of the Putnam Lumber Company are all well known financial figures of the Middle West. They exercise no personal supervision over the

conduct of the camp or the way in which the convicts are treated. Guards and foremen are employed, not for their spirit of humanitarianism, but for their ability to get work out of the convicts entrusted to their charge. According to affidavit made by his fellow convicts Tabert was beaten several times. He finally took ill and was sent to work, notwithstanding, in the swamps and woods. Here, according to these same affidavits, he "fell out" through weakness and the foreman beat him to death.

If the case could have been more pitiful it was made so by the letter written by the boy while he was in jail at Tallahassee, Fla. In this he told his brother that he was in trouble with the law and asked him to send him some money. The brother answered promptly and in the letter enclosed fifty dollars. The letter was sent in care of the sheriff, as the boy had directed. In a few days the letter was returned to Munich, N. D., with the money untouched. The sheriff had merely noted upon it that the letter could not be delivered, because young Tabert had left town. The boy in the meanwhile had been sent to the lumber camp. The failure of that letter to reach young Tabert cost him his life, for with the money which it enclosed he could have paid his fine and gone free. That letter is likely to figure largely in the investigation which the State of Florida is going to hold.

In due time and sometime afterward the boy's family at Munich, N. D., heard of young Tabert's death. They told the story to the neighbors and the neighbors organized a movement which brought it to the attention of the Legislature of North Dakota. That body passed a resolution in which the history of the case was recited and which asked on behalf of the State of North Dakota that an investigation be made by the State of Florida of the affair. This communication, from one State to another, created a sensation at the State Capitol of Florida. It was received as a communication of the highest importance, demanding immediate attention. Governor Hardee, of Florida, addressed a communication to the Legislature and urged that a legislative investigating committee be named. The Florida Senate has already acted favorably upon the message and has named its representatives on the committee. The House will undoubtedly follow suit.

The first the State officials of Florida knew of the affair was the receipt of the communication from North Dakota. A writer for the New York World, from Tallahassee, says:

"Those who know Florida's convict leas-

ing system as it really is, are surprised that these circumstances ever became known at all.

"The brutal facts are that when a prisoner is leased to a private corporation in this State, the law no longer knows that he exists. The county authorities who leased him have set their hands to a document in which they pledge themselves not to interfere with the company's human property in any way."

FLORIDA SENATE VOTES FOR PEONAGE INQUIRY

Senators Demand the Removal of Disgrace Brought Upon the State by Tabert's Death.

TALLAHASSEE, Fla., April 5.—The Florida Senate today ran ahead of the House in action regarding the death of Martin Tabert of North Dakota, alleged to have died from brutal treatment administered by a convict boss, by voting 28 to 3 to name a joint legislative committee to make an investigation.

The resolution calls for a committee composed of two members of the Senate and three of the House, authorized to call upon Governor Nestos of North Dakota for all the evidence he has regarding Tabert's death.

Tabert died early in 1922 in a private convict camp after having been sentenced for riding on a freight train. The affair came before the Senate on a resolution from the North Dakota Legislature asking for an investigation.

Senator Hodges, speaking in favor of the resolution, said that when the evidence was presented it would be developed that "this boy's only crime, in so far as Leon County's jurisdiction is concerned, was that of stealing 80 cents from the railroad." Tabert was sentenced in Leon County, "after a trial at night," the Senator said. "The road has in this county twenty miles of track," he continued, "making the railroad fare involved 80 cents."

"The evidence will develop," he continued, "that he was leased to a private company incorporated under the laws of Wisconsin, that this company maintained a whipping boss, and that Tabert was in one instance given ninety-six lashes with a strap weighing seven and a half pounds."

Senator Stokes said he favored the abolition of Florida's "two remnants of an inhuman and outlived system"—county convict leasing and convict flogging.

Other champions of the investigation dwelt upon the unenviable publicity Florida had received from the affair and urged that action be taken to remove "this blot from its escutcheon."

The House committee named yesterday to undertake consideration of a resolution from the North Dakota Legislature calling for an investigation into the death of Tabert today received additional time in which to make its report.

Chairman Davis of the committee said it was planned to report tomorrow. He explained the delay by saying the committee desired to go further into the resolution. A canvass of members of the committee showed that they were in favor of a joint executive investigation, and it is considered virtually assured that its report will carry this recommendation.

Crime—1923.

ARMED MOB MENACES LAWMAKERS SEEKING FLORIDA PEON GRAVE

They Frighten Negro Convict
Guide So He Cannot Find
Tabert's First Burial Place.

OUTRAGE, SAY LEGISLATORS

Some of the Mob Hide Their
Weapons Under Threat of
Appeal to the Governor.

HALT DIGGING IN CEMETERY

North Dakota Official Persuades
Committee to Await Identification
Before Opening Coffin There.

CLARA Fla., April 25.—A silent display of firearms greeted the members of the Joint Legislative Committee here today on the arrival with Arthur Johnson, former convict to exhume the body of Martin Tabert of Munich, N. D., who is alleged to have died of injuries received at the hands of a "whipping boss" in a private convict camp at Clara, near here.

The firearms were strapped to the hips of several shirt-sleeved men, against whom charges of intimidation will be made, it was announced by Representative J. Clay Smith and J. S. Kennerly, members of the committee. Johnson, who testified at the Legislative Committee's hearing that Tabert's body was buried in a spot three miles away from where his grave now stands, appeared to have been the centre of interest.

The committee arrived here about 1 o'clock this afternoon. Johnson was riding on the front seat of the automobile with the legislators. Without extending any salutations to the committeemen "Captain Bill" Fisher walked up to the car and, addressing Johnson, said: "You tell them where you buried Tabert, if you know what's good for you."

While he was addressing the former convict eight men with pistols protrud-

ing from their belts stepped behind the spokesman. Johnson did not reply and appeared frightened.

Representative Kennerly ordered the automobile to proceed. Johnson directed the party along a highway, but passed the spot where he had previously testified before the committee that he helped to bury Tabert. The car was followed by about ten automobiles filled with natives.

The committee members proceeded about two miles before Johnson recovered his wits sufficiently to tell the members that he had taken them past the spot purposely. The automobile was turned around and proceeded back toward Clara, with the other cars following.

Johnson pointed out a small pine grove about half a mile from the main road. The committee left the automobile and started for the grove, approximately thirty men following. Representative Kennerly addressed the crowd, saying: "Gentlemen, this is an outrage. I shall report this to the Governor. I will let the newspapers know all about it, too."

There was no response from any one in the crowd, but several members of the party circulated among the crowd and asked those who had pistols to hide them. They also requested that Johnson be allowed to point out the spot where he contended the first burial took place. Johnson walked in and out of Palmetto thickets, followed by the committee, but after a half hour search he declared he was unable to locate it.

Meantime, Representatives Smith and Kennerly were shaking hands with members of the informal "Reception Committee" and there was no further hitch in the proceedings.

The committee then proceeded to the Tabert grave in the Mingo Cemetery. It was found just off the road behind a wire fence. Two convicts began digging into the mound. A heavy shower started, and the work of exhuming the body was postponed.

While waiting for the rain to cease, G. Grimsom, Assistant Attorney General of North Dakota, made an appeal to the committee not to open the coffin until some means of identifying the body could be procured. This, Mr. Grimsom said, could only be accomplished by comparing the teeth with a dentist's chart of Tabert's teeth which was on its way from the youth's home in North Dakota.

The committee yielded to Mr. Grimsom's request with the understanding that the State would be put to no extra expense. After uncovering the outer box, which revealed the name of W. S. Whiddon, a Perry (Fla.) undertaker, the grave was ordered refilled.

Fisher, who spoke to Johnson, was identified as the superintendent of the Putnam Lumber Company, at whose plant Tabert died while serving a sentence of three months after being convicted and leased out by Leon County authorities. Fisher, according to testimony adduced before the investigating committee, represented the lumber company in its agreement with Sheriff J. R. Jones of Leon County, in which the latter was to be paid \$20 for each prisoner furnished.

Dismissal of Sheriff Jones from office is under consideration by the Senate after recommendations were made by Governor Hardee on the grounds of malfeasance of office.

WITNESSES' LIVES DECLARED UNSAFE

Florida. Report to Joint Legisla- tive Committee Investi- gating Tabert Case Says Troops Are Needed.

(By Associated Press.)
Tallahassee, Fla., April 26.—Troops should be sent to Dixie county to protect the lives of state witnesses when the trial of Walter Higginbotham, charged with first degree murder in connection with the death of Martin Tabert of Munich, N. D., is called May 16, declared Representative C. H. Kennerly in reporting today to the joint legislative committee of his trip to Clara yesterday.

"If the prosecution brings witnesses down there for the trial their lives won't be safe," Mr. Kennerly told the committee, "and if members of this committee are obliged to go there again, troops should be sent with them," he added. The representative related in detail how he and Representative John Clay Smith, comprising a sub-committee, were greeted yesterday at Clara by a committee of armed men when they arrived to inspect Tabert's grave.

The committee, which concluded its inquiry into Tabert's death this afternoon, unanimously adopted a resolution calling the attention of the state board of medical examiners to the conduct of Dr. T. Capers Jones, physician employed by the Putnam Lumber company, and ask that an investigation be made to the end "that the medical profession be purged of a seemingly unworthy member."

Dr. Jones' Testimony.
Dr. Jones testified before the committee he had attended Tabert three days before he died while serving a sentence at the convict lease camp of the lumber company. He told the committee that Tabert's body showed no signs of any bruises or cuts that could have been caused by the whipping of Higginbotham. He gave pneumonia as the cause of death with a complication of malaria. Records of the state board of health showed he never made out a burial certificate.

Under oath, the physician declared he filed the burial permit with the state board of health. Colonel Raymond C. Turck, state health officer, reported to the committee that no burial permit had been filed and that the only knowledge the health department had of Tabert's death was through the newspapers.

It brought out today before the committee that efforts had been made by Dr. Jones to prove he had filed the permit, but the records of the department show, according to the state health officer, that all permits are issued in serial numbers and there were no breaks in the serial numbers in which the Tabert permit could have been issued.

Witness Flogging.
Prior to Dr. Jones taking the stand, witnesses testified to having

witnessed the flogging of Tabert by Higginbotham five days before the youth died. They said it took place before 80 or 90 convicts and guards and that from 50 to 119 blows were located, some saying they stopped counting after the fiftieth was delivered. It was also brought out that Higginbotham placed his heel on Tabert's neck, pressing the boy's face into the ground in order to keep his body still. The flogging, according to Higginbotham, who testified before the committee, was administered on a Friday night. The following Wednesday, Higginbotham said, Tabert died. The whipping boss declared he only gave the youth "ten gentle blows."

The witness told the committee he made a thorough examination of the body and it revealed no sign of the strap. Other witnesses declared they saw the physician come in and look at Tabert just before he died; that they were detailed to take the body out of the stockade where the prisoners were kept and that the sheet and mattress stuck to the body from the blood of the boy's wounds. Others related how they were forced to sleep on bunks and on the floor in the room next to the dying boy's bunk and how they pleaded that something should be done for him.

Convicts Well Fed.
The physician related how he saw to it that the convicts were amply provided with clothing and were well fed. He illustrated to the committee that whenever he found the convicts without socks, he would go to the company's commissary, the Clara Mercantile company and buy as many as 70 pairs at one time. After Dr. Jones concluded his testimony he was recalled by the committee and it was revealed that he was a stockholder in the mercantile company which was partly owned by the Putnam Lumber company.

Representative Kennerly, making his official report as spokesman for the subcommittee that visited Clara yesterday, related the actions of the so-called reception committee towards Arthur Johnson, a negro, and former convict at the Putnam Lumber company. Clara, which is in Taylor county and Cross City, located in Dixie, the adjoining county, are owned by the Putnam Lumber company and inhabited by its employees, the committee learned.

"When I arrived at Clara," said Mr. Kennerly, "the car the negro was in was surrounded by a crowd of from 15 to 20 men highly excited. It seemed to me that every one of them had a gun. I was told that as soon as the automobile in which Johnson and Mr. Smith, the other member of the subcommittee were in, drew up to the Clara Mercantile establishment William Fisher, superintendent of the lumber company, stuck his finger in the negro's face and said: 'Now you point out that grave and be d— sure you point out the right place.'"

Ordered to Proceed.
Johnson had been ordered to proceed with the committee to Clara by the joint committee to point out the spot where he claimed Tabert was first buried. He testified before the committee that he was one of the four men that prepared the youth's body for burial and had acted as one of the attendants.

Representative Kennerly told of how Johnson became frightened and as they were proceeding to where Johnson had said the grave was and that from 50 to 119 blows were located, "an automobile containing Putnam Lumber company employees closed in ahead of the machine in which Johnson was riding. Another machine, containing armed men, squeezed in front of my car as it went past me. I heard one of the men in it say 'get in there and stick to the negro and don't let him get away,'" continued the representative. Mr. Kennerly said the negro took the party by the spot and the automobiles had to be turned around. "Well, the negro looked around the place for half an hour," Mr. Kennerly continued, "and you could see he was afraid to point it out. So I said to him: 'Arthur, can't you find the place?' and he said 'Mr. Kennerly, there's two men standing over there that will kill me if I does.' So we saw there was no use waiting around any longer and we went on out to the grave where the lumber company says Tabert was buried. The grave was opened but the body was not taken out because G. Grimsom, assistant attorney general of North Dakota, said he wanted to wait for proper identification papers and because I saw that the only witness we had there at the time was Arthur Johnson.

Feeling Runs High.
"I want to add that good responsible business men of Perry told me after we got there that if we let that darkey get out of our sight the crowd would kill him sure. Just to show you how the sentiment was running, I'll say that one of their crowd started to climb over the cemetery fence while the grave was being opened, and Fisher said 'Oh, don't bother to do that. Just tear it down—we're in our county now and we'll do as we please.'"

"At least 10 or 12 men at the cemetery told me that Tabert was buried just where Arthur Johnson said he was buried—the first time, that not at Mingo cemetery—but that they didn't dare to testify.

"Well, we put the negro back in the car and got him away from there for fear they'd kill him. And I believe they would have," he declared.

The committee discussed informally further action pending receipt of means of identification of Tabert's body.

"I don't believe our committee ought to waste any more time on them," said Senator Stokes, addressing Representative Kennerly. "The lumber company's attorneys invited you down there and when they got you there, they tried to intimidate your witness. The Putnam Lumber company apparently controls the county officials and the courts and everybody in the county on its payrolls. I think the committee has taken all the action it can and that we ought to drop this right here."

Firmly Convinced.
"I am firmly convinced," Mr. Ken-

nerly added, "that Tabert's body was originally buried just where the negro said it was. That crowd claimed the body had been in Mingo cemetery since February, 1922. Why, to all appearances, it had not been there more than two or three months at most, no roots had grown through the sand except the small feeder roots that grow in a few weeks. The sand was not packed tight at all. It was as loose as a child's sandpile. The paper label on the coffin bearing the undertaker's name was hardly discolored.

"I give it as my firm conviction that it wouldn't be possible for a grave in Florida sand to be in that condition after a year. All the circumstances taken together point in every way to exactly what has been said by the witnesses for the prosecution."

The committee announced before taking a rest until Tuesday morning, when the charges of mistreatment to prisoners confined in the convict camp of State Senator T. J. Knabb in Baker county will be taken up, it would make its report after the completion of all its inquiry.

It has been declared by members of the committee during the course of the Tabert hearing that they stood unanimously in favor of the abolition of the convict lease system and corporal punishment. The committee will also take up for consideration the house resolution seeking to have Tabert's body disinterred and sent to North Dakota if the Tabert family so desires.

SHERIFF IS OUSTED BY FLORIDA SENATE

County Judge Accused of Railroading Freight Riders to Camp

TALLAHASSEE, FLA., April 26.—The Florida senate late today voted to remove Sheriff J. R. Jones, of Leon county from office. Jones was the first official to fall under the crusade against ill-treatment of convicts in this state, brought on by the death of Martin Tabert, a North Dakota boy. The senate's action was a vote on the recommendation of Gov. Hardee that the sheriff be removed for malfeasance in office, the executive having moved ahead of the legislative investigating committee. Jones, according to the testimony before the committee, received \$20 a head for every prisoner he turned over to the Putnam Lumber Company, at its Clara, Fla., camp, while other charges were to the effect that he, his deputies and County Judge B. F. Willis entered into a collusion to make profitable the business of picking up wayfarers from freight trains and rushing them to the private convict camp with only imprisonment trials.

Between times the testimony showed, they staged drinking parties. These charges the officials have all vigorously denied though Jones admitted his \$20 compensation.

The senate considered the case this afternoon in an executive session as

is customary. It deliberated for more than an hour, although much of the time was spent in reading the lengthy transcript of testimony in the case. Seven senators took the floor, while Senators John P. Stokes and W. A. MacWilliams are known to have spoken for a considerable time. They are members of the legislative committee and had previously stated they were in favor of investigating the sheriff. The vote was overwhelming, the reports of the strength of the minority centering around five.

"If the prosecution brings witnesses down there for the trial their lives won't be safe," Mr. Kennerly told the committee, and if members of this committee are obliged to go there again, troops should be sent with them, he added. The representative related in detail how he and Representative John Clay Smith, comprising a sub-committee, were greeted yesterday at Clara by a committee of armed men when they arrived to inspect Tabert's grave.

The committee, which concluded its inquiry into Tabert's death this afternoon, unanimously adopted a resolution calling the attention of the state board of medical examiners to the conduct of Dr. T. Capers Jones, physician employed by the Putnam Lumber Company, and asked that an investigation be made to the end "that the medical profession be purged of a seemingly unworthy member."

Dr. Jones testified before the committee he had attended Tabert three days before he died while serving a sentence at the convict lease camp of the lumber company. He told the committee that Tabert's body showed no signs of any bruises or cuts that could have been caused by the whip of Aligginbotham. He gave pneumonia as the cause of death with a complication of malaria. Records of the state board of health showed he never made out a burial certificate.

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The resolution was introduced by Representative Kennerly at the conclusion of his address. Before the committee could vote, it was amended. The original measure characterized Dr. Jones as a "disgrace" to the profession and said he should be ejected from it. Senator W. A. MacWilliams drew up the revised resolution calling on the state board of medical examiners to investigate the record of the physician.

A general discussion took place while Senator MacWilliams was working the amendment and Senator John P. Stokes, chairman of the committee declared "so far as I am concerned, I believe every word that has been said about him, (the physician) and I believe he ought to be kicked out of the profession."

Doctor Criticized.

"He seems to have been owned, body and soul, by the Putnam Lumber company," continued Senator Stokes. "Further, I want every crook that had anything to do with this to be cleaned out. But, in this doctor's case, I believe it would be outside the scope of the committee's powers to do more

than bring the testimony to the attention of the board of medical examiners."

Dr. Jones related to the committee that the North Dakota's burial permit was made to read that death was due to pneumonia with a malaria complication. He startled the committee by declaring that the boy really died of a social disease with pneumonia explaining that he substituted malaria on the permit to avoid any embarrassment to the youth's family.

Under oath, the physician declared he filed the burial permit with the state board of health. Col. Raymond C. Turek, state health officer, reported to the committee that no burial permit had been filed and that the only knowledge the health department had of Tabert's death was through the newspapers.

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OPEN TABERT GRAVE IN MINGO CEMETERY

All Proceedings to Wait Until Identification of Body by Teeth

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"You tell them where you buried Tabert if you know what's good for you."

While he was addressing the former convict, eight men with pistols protruding from their belts stepped up behind the spokesman.

Representative Kennerly ordered the automobile to proceed. Johnson directed the party along a highway, but passed the spot where he had testified before the committee that he helped to bury Tabert. The car was followed by about ten automobiles filled with natives.

Johnson pointed out a small pine grove about half a mile from the main road. The committee left the automobile and started for the grove, approximately thirty men following.

Grave Located.

The committee then proceeded to the Tabert grave in the Mingo cemetery. It was found just off the road behind a wire fence. Two convicts began digging into the mound. A heavy shower started and the work of exhuming the body was postponed. While waiting for the rain to cease, G. Grimsor, assistant attorney general of North Dakota, made an appeal to the committee not to open the coffin until some means of identifying the body could be procured. This, Mr. Grimsor said, could only be accomplished by comparing the teeth with a dentist's chart of Tabert's teeth, which was on its way from the youth's home in North Dakota.

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Dismissal of Sheriff Jones from office is under consideration by the senate after recommendations were made by Governor Hardee on the grounds of malfeasance in office.

Where They Ignore the Color Line

(From the Wichita Falls News Record.)

A State senator in Florida is owner of a turpentine camp and he buys the favor of convicts to operate the camp and the plant. A 17-year-old boy appeared before a legislative committee and gave testimony that he was flogged twice a day with an eight-pound strap because he was unable to work and the flesh on his hands and feet rotted. It is what he said the whipping boss told him.

"The whipping boss told me he wanted me to rot away so he could bury me in the Evergreen cemetery where he buries whites and negroes side by side."

Why send missionaries to foreign fields? Why not spread the gospel of justice in the prison camps of Florida? There appears to be a vast field over there.

Legislators Told Dramatic Story Of Convict Life

Deaths From Allegedly Barbarous Treatment Common, States Woman.

Tallahassee, Fla., May 10.—Deaths from allegedly barbarous treatment were common occurrence in prison camps maintained by State Senator T. J. Knabb, Mrs. Thomas Franklin told a legislative investigating committee here.

Nine convicts from Baker county alone died during the past year in Knabb's camps, she said. Mrs. Franklin told a dramatic story of the rescue of Paul Revere White, Washington, D. C., from Knabb's convict camp at MacClenny.

"He looked like a corpse when he was removed from the camp," the witness told the legislators. White was removed from the camp by Sheriff Jones, of Baker county, Mrs. Franklin said, after she had complained that he was receiving inhuman treatment.

Prison Supervisor J. B. Thomas, who stated in a report last February that Senator Knabb's convict camps were "human slaughter pens," was called to the stand but did not give any testimony against the senator.

After making the first report, Thomas in a later statement said that conditions in Knabb's camp had been "greatly exaggerated."

Following his testimony the committee passed a resolution recommending that the governor remove Thomas from office.

Senator J. B. Johnson, who opposed the bill for abolition of corporal punishment, which was passed by the senate Tuesday, received a letter Wednesday, warning him that he would receive 100 lashes within 30 days after the legislature adjourns.

It was signed by the "justice committee of the Ku Klux Klan."

The latter also mentioned eleven other senators who had been marked for 100 lashes for opposing the measure.

OFFICER KILLS NEGRO WHO SHOT TWO WHITE MEN

Jacksonville, Fla., March 4.—Ashley Cox, 28, negro, was killed by a policeman here tonight after he had run amuck with a pistol, shooting and probably fatally wounding two white men.

William Burger, 32, was shot as he was on the back porch of his home, where he had gone to smoke his pipe. The bullet struck him in the left side and passed entirely through his body. Patrolman S. T. Johns, who was off duty, heard the shots and went to investigate. He was joined by Graham Griffin, 34. Several blocks from the scene of the shooting, they met Cox.

The negro was ordered to halt, but instead opened fire, a bullet striking Griffin in the breast and penetrating his left lung. Johns then shot the negro, who fired again after he had fallen. He died in a few minutes. The two wounded men are said to have only a slight chance of recovery.

AWFUL CONDITIONS IN CONVICT CAMP

Prisoner's Diary Reflect
Southern Civilization

New York, April 2.—Max Grimm, a twenty-eight year old fireman in a Brooklyn hotel, has made public a diary he kept while a prisoner in the Putnam Lumber Camp at Clara, Fla., where Martin Tolbert, the North Dakota white boy was beaten to death.

"I saw Talbert beaten by Capt. Higginbotham", Grimm said. "I was working in a ditch across from Martin and I knew he was a sick man. When he got that beaten he was hardly able to stand before he was struck. I was in that camp two weeks and three days and was myself whipped by Higginbotham.

"Talbert at one time worked in a ditch with me and we stood in water up to our thighs. He was weak and trembling so he could hardly lift his shovel. His eyes glittered like those of a crazy man and he could hardly speak."

Max Grimm was discharged Jan. 23, 1922, nine days before the death of Talbert. Riding a freight train caused his arrest and imprisonment as it

Fla., twenty-six miles from Perry, Fla. Reached camp late at night. Camp is a little better than Glen St. Mary.

Forced to Work Barefooted

Jan. 7, 1922—Missed my shoes this morning and told the captain, but he ignored it and I had to work all day barefooted in a grading squad. Feet bleeding at night and skin torn off by palmetto leaves and thorns.

Jan. 8, 1922—Sunday. Had my first bath in a month and a half. Marched to a creek. I was the only man of eighty-five men who jumped in.

Jan. 9, 1922—Got detailed to a section gang. We were forced to work up to our bellies in a swamp pulling heavy logs and threatened with whipping if we did not work fast enough.

Jan. 13, 1922—The government inspector was here to-day. I wonder why no body is complaining about the terrible lashings? My partner, with whom I got arrested, received last night fifty lashes from the captain because he worked too slowly. His feet were bleeding and he could not walk fast enough.

Jan. 16, 1922—Received a lashing today on account of broken grubbing hoe handle, although I reported to the working captain that the handle of the hoe was split, the captain called me a vile name and told me to go back to work and be careful not to break it or else I knew what I was going to get.

The first lick I made with the hoe the handle snapped. About a quarter of an hour after Capt. Higginbotham came riding up the grade. He got off his horse, took the leather and called me out of the ditch. He told me to lie down and I didn't want to lie down, and he called me a vile name and gave me one lick across my back.

25 Lashes for Broken Hoe

I thought it best to lie down, as I knew I could not get away, so I lay down and he gave me first about seven lashes and said nothing the first seven, but then he got mad and piled the lashes harder and I received altogether about

twenty-five licks on my back. Then he told me to get up and go back to work. It was the custom to run back to work always, but I was half crazy with the pain and started in the opposite direction and he ran after me and gave me about a dozen lashes on my back, neck and head.

Jan. 22, 1922—Was released to-day and went to Clara.

Jan. 23, 1922—Went to the office and received \$7.25—\$3.00 was for the work for two month's sentence and \$4.25 for railroad fare to the place where I was arrested.

Jan. 24, 1922—Hiked forty-five miles along the railroad tracks to Newberry, Fla., always jumping out of sight into the bushes as soon as I saw somebody approaching, as I was afraid of being arrested again.

"In the turpentine camp at Glen St. Mary", Grimm said, "I worked and slept with forty-six Negroes and forty six white men. We had to go into our dirty sleeping quarters naked and sleep three under one quilt on one dirty mattress. We were given insufficient food—half cooked beans and swamp water with a piece of bacon every other day. No coffee was given us at all—just swamp water.

"There I was forced to hold down a sick Negro while the boss beat him because he did not work fast enough. He had no shoes and his feet were bleeding. The Negro could not work and he was half crazy with pain and fear.

Filthy Conditions Enforced

"For a month and a half we never got water in which to wash our faces and did not take a single bath. We could not shave and our hair, hands and clothes were sticky with pine sap.

"The day Martin got his beating in my presence he received twenty or thirty blows. I could not even look directly at him, as we are not permitted to look when a prisoner is being whipped. If we look we get it too.

"As soon as I completed my sentence I sent a letter to John E. Thompson, No. 1220 Ash Crescent street, Fort Worth, Tex. He is a close relative of Glen Thompson, the man who notified the Talbert family in North Dakota, about Talbert's condition and beatings. I also sent a letter to Paul Kunnath, No. 3902 Galena street Mil-

waukee, a cousin of a boy named Hammie Smith, who was one of my fellow prisoners in Florida.

"At Glen St. Mary I saw Capt. Ruthenbury and Higgins beat a number of men. I was a trusty guard for three days. One day I had to take my squad of nine Negroes out and make them lie on their bellies while Capt. Ruthenbury beat their backs with the leather strap.

"I was supposed to shoot them—I had a rifle—if they did not take their beating. I had made up my mind I would do nothing of the sort. Only the fact that I had a short sentence and hoped soon to get away kept me from turning my gun on some of the bosses.

"In winter weather we were sent out into the woods and swamps at 5 a. m. in the darkness. Clad in striped pants and blouses, caked stiff with the pine sap and giving us no warmth, we were

wet to the shoulders by frost as we went through the swamps and woods.

"Sometimes men were beaten because they did not run from one place to another. When, for instance, we finished digging in one spot we were supposed to shoulder our picks and run to the next spot. Many of the men were unable to run and they got it."

FLORIDA CONVICT CAMP ATROCITIES STIR THE COUNTRY

Whipping White Prisoners
To Death Brings Investigation of Road
Camp.

GRAND JURIES TO ACT
Colored Men, Long-Time
Sufferers, Will Be
Benefitted.

(Special Correspondence)

Tallahassee, Fla.—The recent whipping to death of Martin Tabert of North Dakota, a white boy, who was arrested and sent to a Florida convict camp on a vagrancy charge, has stirred up an investigation that will undoubtedly react to the benefit of Negro prisoners, who have for years been the subjects of most

unmerciful treatment, but who have had no friends at court powerful enough to arouse interest or sympathy in their behalf.

New York Age
Official prison punishment records, from last December to this April, made and signed by whipping bosses in six of the State camps where Negro prisoners are worked, show that of about 200 prisoners who were in the camps, ninety-three of them were whipped during that period of ninety days.

H.M. 193
The largest camp for Negro prisoners in the state is the one at White House, Duval County., just ten miles from Jacksonville, in charge of Capt. C. L. Denmark, assisted by Guards G. E. Deberry and J. H. Knight. During January, six of these men were whipped, three of them twice during the month. Ten lashes are given at each whipping, three of these men got twenty lashes.

Other camps in the state, working Negro prisoners, were Starke, Bradford County, with from twenty-six to thirty-six prisoners; Istachatta, Citrus County, 100 miles north of Tampa; High Springs, Columbia County; Jasper, Hamilton County, and Fort White, Columbia County.

Put Salt in Raw Flesh

The total whippings in six of the state camps, for ninety days, reached 132, or at the rate of 525 per annum. There are about thirty road camps in the state. The lashes draw blood after the third or fourth blow, and convict guards say they usually rub turpentine or salty liquids on the raw flesh. The leather strap is sometimes dampened and rubbed with sand, and one guard is known to have purchased copper tacks to drive through the flat thong so the points would protrude.

As a result of these disclosures, brought about through the death of Tabert, the young white man, other cases of cruelty have been brought to light, and in consequence two counties, at least, have begun grand jury investigations, and a legislative committee which has been appointed to inquire into the circumstances surrounding Tabert's death and to introduce measures ameliorating prison and peonage conditions in the state.

The Madison County grand jury is organized and will receive testimony of witnesses in the Tabert case.

At MacGlenny, Baker County, thirty-six miles west of Jacksonville, the grand jury will receive testimony that Paul Revere White, 18, of Washington, formerly of Pennsylvania, was brutally whipped in a camp operated by State Senator T. J. Knabb, escaping death only by good fortune. Young White has gone from Washington to Jacksonville, and made affidavits concerning the treatment he received in the camp, and has entered suit against State Senator Knabb for \$50,000, for injuries received while in Knabb's camp.

The net result of these investigations is expected to be the abolishment of present cruel and inhuman rules which

obtain at the prison camps, and this will relieve the Negro prisoners, who have all along been subjected to even more barbarous cruelties than these white prisoners suffered. In fact, it is believed that the number of Negro prisoners who have died as a result of injuries from beatings inflicted by camp bosses is beyond any computation.

Action by the county grand juries and by the state legislature is looked forward to with anxious interest.

The Mont...
Threadbare Clothing, Mismatched Shoes Enter Florida Legislative Probe

Lash of Convict Camp Boss Goes Rounds of State

Lawmakers
Montgomery, Ala.

TALLAHASSEE, FLA., April 12.—The

lowly convict, who has been the subject of investigation because of alleged cruel treatment administered in private convict camps of the state, had his inning in the lower house of the state legislature today during discussion of the death of Martin Tabert. Tabert, a native of Munich, N. Dak., is alleged to have died under the lash of a convict camp boss in Dixie county.

Threadbare clothing, splashed with swamp muck, distorted and mismatched shoes and other apparel belonging to the convicts' garb were cast upon the floor of the lower house, and a whip used for flogging prisoners was passed from one member to another for examination.

Mont, Ala.
A stirring scene was enacted as the house moved to make a special order of business for next Wednesday the consideration of measures looking to the abolition of the convict lease system and the prohibiting of corporal punishment.

In the meantime, the joint investigating committee named to investigate the conviction leasing and death of Tabert as requested by a resolution adopted by the North Dakota legislature, recessed in the middle of an examination of Sheriff J. R. Jones of Leon county, after having been in session for less than one hour. It was announced later that the committee would get down to business Tuesday morning.

Fireworks were looked for in the senate today over the house concurrent resolution seeking to broaden the scope of the investigating committee so as to make it a state-wide inquiry into county camps. The resolution went into the unfinished business hopper when Senator B. H. Lindsay, of Bonifay, sought to amend the resolution in order that the committee be empowered to investigate alleged cruelties at convict camps controlled by the state and not be confined to county camps only.

The upper house recessed until over the week before Senator Lindsay's amendment could be drawn up.

MURDER IS CHARGED TO "WHIPPING BOSS" BY FLORIDA GRAND JURY; TESTIMONY IS GIVEN OF ALLEGED BRUTAL FLOGGINGS

Mont. No.
Former Convict Guard Tells of Beating Which He Claims, Led to Death of North Dakota Youth;

Lawyers to File Suit For \$50,000 Damages

The Mont...
MADISON, FLA., April 12.—Walter Higginbotham, "whipping boss" at a convict camp of the Putnam Lumber Company at Clara, Fla., was indicted here late today by the grand jury on three counts charging first degree murder in connection with the death of Martin Tabert, North Dakota youth.

Advocate 4/12/22
Tabert died three days after he had been whipped by Higginbotham in February, 1922, according to witnesses who appeared before the grand jury today, but camp officials contend the youth died from natural causes.

Higginbotham was released tonight on bail of \$10,000, pending his trial. Circuit Judge Horne announced that Higginbotham probably would be tried at a special term of court May 15 at Cross City, Fla., the county seat of Dixie county, where the whipping is said to have been administered.

The former camp boss had nothing to say when informed of the grand jury's action. Higginbotham's attorney said they would admit that the lash was used on Tabert, but that the blows given him were light and were administered because of his failure to work. The blows were not hard enough to have inflicted severe injuries, it was asserted.

Attorneys here representing the Tabert family in North Dakota, intimated tonight that they would, immediately after the trial is called, file a suit in United States district court in Florida or Wisconsin, seeking \$50,000 damage against the Putnam Lumber Company, which is a Wisconsin corporation. Higginbotham was in the employ of the lumber company which is said also to have had a contract with officials of Leon county to lease all county prisoners under their jurisdiction.

Declaring that he had been whipped from head to foot and now carries on his back physical evidence of the flogging, John T. Gardner, private, Battery F, Fourth United States Field Artillery, stationed at Fort Sam Houston, Texas, related to the grand jury a story of alleged brutalities while he and Tabert were confined in a convict camp near Clara, Fla., fourteen months ago. Gardner was one of the principal witnesses at the hearing.

Sixteen other witnesses were lined up during the day and awaited their turn. J. W. Jackson, a native of Florida and a former guard at the lumber camp, claimed that he helped prepare Tabert's body for burial.

"Deep gashes produced by Higginbotham's lash covered Tabert's body from head to below knees," Jackson told G. Grimson, state's attorney of North Dakota, who is here assisting the prosecution. "There were also many scars on the head where the whipping boss beat the youngster with

the butt end of the whip," Jackson further declared.

Jackson said he washed the body and examined each of the many wounds.

Ninie Bell, of Clara, Fla., also a former convict guard, told Attorney Grimson that he witnessed the whipping of Tabert, which he said "was so severe that it was in his opinion the direct cause of Tabert's death."

"I counted a total of one hundred and seven licks administered by Higginbotham," the witness told Mr. Grimson. "Tabert was lying on the ground and Higginbotham had his right heel pressing on the boy's neck, which resulted in Tabert's face being pushed deep into the sandy ground. After the whipping boss had finished I examined the youth and found that his nose was broken and his neck bleeding as a result of the pressure of Higginbotham's heel."

Mr. and Mrs. Walter Lyles of Cross City, Fla., also testified before the jury. Mrs. Lyles, just before entering the jury room to testify, declared that she and her husband were on a fishing excursion near the convict camp on the day Tabert is alleged to have been whipped.

"I counted fifty-seven licks and got tired of counting," she asserted.

"At first I heard screams, which grew weaker and weaker. Finally there was only the sound of the lash."

Gardner, now 18 years of age, said he was originally from Altoona, Pa., and that he left home in May, 1921, to travel as an employee of a circus. He had reached El Paso, Texas, he said, when he decided to return home and managed to get as far as Tallahassee, Fla., by New Year's day, 1922. Early that morning he was arrested within the borders of Leon county and taken to jail at Tallahassee. Two days later he was sentenced by the county judge, B. F. Willis, to pay a fine of \$25, or serve 90 days on the charge of stealing a ride on a train. Two days later, Gardner said, he and three other young prisoners arrested for similar offenses were taken to the county jail at Perry, Taylor county, and there turned over to Carl Johnson, warden of the Putnam lumber camp at Clara.

That night the three were turned over to Walter Higginbotham, who was in charge of the company's leased convicts, who put them in "stripes" at a camp across the river in Dixie county. About 95 leased convicts were there, of whom 35 were white men. Gardner said, one of whom was Martin Tabert. There were a dozen or more guards over the prisoners, according to Gardner. He said the guards changed frequently.

"In the first week I was there, I was licked with a strap by Higginbotham three different times," Gardner declared in describing his experiences at the lumber camp. "The whip was

about four feet long, four inches wide, and with a handle two or three inches thick. It laid the skin bare from my shoulders to my knees and I couldn't sleep that night, nor for a long time afterwards, for the pain. When I got through he said, 'Next time I have to beat you, I'll kill you.'"

"Two days later he licked me again," Gardner went on. "He gave me about 50 licks with the whip this time. They tore open the scabs from the first whipping and cut my back in fresh places. I had been told not to holler, or he would beat you longer; but it hurt so that I couldn't help hollering."

"The third time was a couple of days later. He gave me forty or fifty licks that time. Our gang foreman, a man named Clark, had told him I didn't throw the mud high enough to suit him. I didn't have the strength to do it by that time."

"Martin was in the same grading gang," Gardner declared, referring to Tabert. "A fellow who had been there longer than I said Martin was big and strong when he got there, two weeks before; but he was already sick and skinny when I got there."

FLORIDA TO TEST LASH ABOLITION

State Senate Passes Resolution to Give New System Thorough Trial in Convict Camps.

Tallahassee, Fla., May 8.—Florida is going to "try out" abolition of the practice of whipping men in the state convict camps.

The state senate Monday passed a resolution providing that abolition of corporal punishment shall be given a thorough test, and if the experiment is successful, the lash shall be definitely abandoned. The house is expected to pass the same resolution. Adoption by the senate followed several days' debate.

Meantime, before the committee investigating convict camp conditions. Mrs. J. E. Franklin told of nine convicts having died in the camp of State Senator Knabb during the past year. Mrs. Franklin said that a number of prisoners from other counties also died there from inhuman treatment.

Crime - 1923.

Florida

The Nation
5-16-23
New York
N.Y.

THE Florida Senate has weighed the loss of money involved in giving up her barbarous system of leasing out convict labor against the risk of a falling off of indignant tourist patronage, and has decided to retain the lash that whips as much as fifteen hours of labor a day out of the prisoners and occasionally kills one or two of them. To be sure they drew lurid pictures of probable dangers to white women in rural districts if whipping were abolished, and defended their action in florid Southern oratory: "If whipping is ended, the rule of the shotgun must follow; I will not stand for any condition that imperils the sanctity of the home." This strapping business has been here ever since the world began, and if you abolish it you have got our whole convict system shot to pieces. "If you can't punish prisoners you might as well stop convicting them. The next thing will be a law to provide them with fried chicken at every meal and feather beds to sleep on." So Florida has retained the lash which Japan and Argentina repudiated as a barbarity over a half-century ago, and it is a toss-up whether the indictment of the whipping boss will ever result in conviction.

FLORIDA is not alone in her offense. Charges just as sickening have been brought against the penitentiary at McAlester, Oklahoma, for brutalities practiced upon prisoners, many of whom are leased to the Reliance Shirt Factory. Affidavits from eighteen men and women report cruel beatings, "stringing up" by the wrists for as many as fourteen days, bread and water diet for twenty-seven days, half the usual food for 135 days, and solitary confinement for ten months. It is charged that a pregnant woman convict was shackled and strapped in a cramped position for several days so that she lost her baby and became insane. An investigation is under way of the death, following a terrible beating, of twenty-one-year-old Clyde Lagrow, which was reported as a suicide by the warden. Governor Walton has promised that he will leave no stone unturned in his attempt to humanize the penitentiary and punish those responsible for the alleged brutalities. These conditions are an indictment of American civilization. To their honor, citizens of Daytona and Oldsmar, Florida, have held indignation meetings demanding that their legislature act vigorously. But the Governor of Oklahoma and the Florida citizens need support and should have it.

Crime—1923

THE UNITED STATES CRIME RECORD.

The figures on crime prepared and published each year by Dr. Frederick L. Hoffman, consulting statistician for the Prudential Insurance Company, have come to have a recognized place in our national statistics. His figures for twenty-eight of the largest cities in the country show that the rate of homicides per 100,000 population was 9.3 in 1921 as compared to 8.5 in 1920. In this table of twenty-eight cities, Memphis, Tenn., still holds the banner for being the most murderous city in the United States and, therefore, in the world. The rate of murders in Memphis in 1921 was 56.8 for every 100,000 population. The only encouraging thing in the figures about Memphis is that the rate has decreased in the past ten years from 69.7 to 56.8.

The next highest city in the country is Nashville, Tenn., with a rate of 35.1 for every 100,000 population. Other cities with high rates are:

New Orleans, La.....	20.0
St. Louis, Mo.....	17.2
Louisville, Ky.....	16.5
Cincinnati, Ohio.....	15.2
Los Angeles, Calif.....	13.6
Indianapolis, Ind.....	12.9
Washington D. C.....	12.6
Chicago, Ill.....	11.8

The city in the United States where life is safest from a criminal point of view is Hartford, Conn., which has a homicide rate of only 1.4 for each 100,000 population. Other cities having low rates are:

Milwaukee, Wis.....	3.6
Boston, Mass.....	3.7
Rochester, N. Y.....	4.2
Newark, N. J.....	4.7
Providence, R. I.....	5.0
Philadelphia, Pa.....	5.1
New York City.....	6.2

One is at once struck with the wide difference between the murder rate in cities of the South and West and cities of the East. Eastern cities, especially New York, are popularly looked upon by the rest of the country as hotbeds of crime; but the figures prove otherwise. It is likely that New York, for instance, enjoys an unenviable criminal reputation because of the fact that any crime committed in this great city is more widely advertised than numbers of crimes committed elsewhere. The record for New York last year was only 5.0. 1922 shows an increase of 1.2.

We think the difference between sections of the country to the advantage of what are known as the eastern cities is due entirely to the difference in respect for law and the rigor with which the law is enforced. For example, many murders are committed in Southern towns because of the fact that white men feel that they will not be convicted and often not even prosecuted for the killing

General.

of a Negro.

Dr. Hoffman's statistics on crime in the United States ought to be very disturbing to our national conscience, but I do not believe they are. The United States has become callous on crime and mob violence. The fact that it is the most criminal and lawless of the so-called civilized nations in the world seems in on way to affect our sense of exaggerated and inordinate self-esteem. The great bulk of one hundred per cent. Americans, in the face of this great bulk of one hundred per cent. Americans, in the face of these facts still go on childishly believing that this great democracy is earth's surface.

A comparison of our murder rate with that of England will show how far behind we are in one of the very fundamentals of civilization, namely, the security of life. The murder rate for the United States annually is one out of every 12,000 persons, while in England the rate is one out of every 412,000 persons. The question of mob violence and lynching as inflicted upon the Negro is involved in the whole question of national lawlessness in the

United States. CHILD ADMITS MURDER.

Little Negro Gets Ten Years in State Reform School.

O. D. Lewis, a little negro boy who appeared only eight or nine years of age, but who said that he was 12, pleaded guilty to Judge Harsh yesterday morning to the murder of his uncle, and was sentenced to 10 years in the state reform school. He said that his uncle had treated him badly.

Over in Judge Richards' court Robert Green pleaded guilty on his indictment for shooting Squire McNulty, into whose home he had broken in search of a doctor for treatment from a wound by officers in another crime, and was given one to five years in the penitentiary.

Eulalie Rembert pleaded guilty to murder in the second degree for the shooting of Lavenia Lawson on March 20, and Judge Richards gave her two to 20 years in the penitentiary. All are negroes.

CRIME INCREASING, BOYKIN DECLARES

Atlanta Constitution Presents Figures to Show That More Murders Are Committed in Georgia Than in Britain.

Quoting figures to show that more murders are committed in Georgia than in the British Isles and that of the 3,500 or more convicts in the state last year, approximately 1,400 were serving sentences for homicides, John A. Boykin, solicitor of the Atlanta circuit, in an address Friday before

the City Council of the increasing general crime conditions in the United States.

"Since the increase in burglaries in the United States has been 1,200 per cent," he said, "and that uncertainty of punishment, inadequate courts and resultant delays in trials and the interference of 'sympathy' committees are some of the factors responsible for such conditions."

Things "Out of Joint."

"I have read a great deal about the so-called 'crime wave' over the country," Solicitor Boykin continued, "and I have given the situation considerable thought. The more study I give it the more I am impressed that things are 'out of joint,' and I regard the situation as rather alarming."

"In the United States one person out of every 12,000 is unlawfully killed. While in England only one is killed out of every 412,000."

"In Chicago there are four times as many murders committed as in the entire Dominion of Canada. That city also has nearly four times as many burglaries as Canada."

30,000 Autos Stolen.

"It is estimated that in 28 of the largest cities 30,000 automobiles were stolen in 1921. In New York city alone one automobile out of every 30 is stolen."

"Banks, as well protected as they are with their massive vaults and guards, sustained a total loss of \$1,224,489 during the year ending August, 1922. That figure, compiled by the American Bankers' association from its 23,632 member banks, does not include the loss of 9,611 non-member banks throughout the country."

Mr. Boykin quoted Sir Basil Thompson, head of Scotland yards, as saying that 90 per cent of all professional criminals enter upon their unlawful career before reaching the age of 21.

Rather than to detect crime, he said, the problem before the authori-

ties is to protect the youth of the land from contact with criminals and environments tending to encourage a criminal career.

Anti-Pistol Law.

He called attention to England's national law against the possession of revolvers by anyone except officers of the law and by citizens in their own homes, and asserted that such a law in this country would tend to greatly diminish homicides.

He agreed with Chief Justice Taft in his declaration before a recent New York civic forum that the authorities are handicapped in the administration of justice by the activities of ill-advised citizens who interest themselves in behalf of persons about to be convicted or who have already been convicted and approach judges and prosecutors, attorneys and governors in efforts to secure leniency, paroles, pardons, commutations and in other ways seek to arouse sympathy for criminals.

"Jurors have no confidence in the verdicts they render, and frequently a juror, after participating in the conviction of a murderer, remarks, 'Well we convicted him but he'll never hang,'" Solicitor Boykin concluded.

Two Obscene Letter Verdicts

On Friday, March 16, Cyrus W. H. Briddell, a well known Negro minister of the Gospel, was sentenced to 18 months in the Federal prison by Judge Soper for sending obscene letters through the mail. *3/30/23*

On Friday, March 23, H. W. Funk, a white resident of Hagerstown, who pleaded guilty to sending a number of obscene letters to women in Harrisonburg, Va., and Charlestown, W. Va., was fined \$250 in the same court before Judge Soper. *Apr - American*

Testimony in the Briddell case showed him to be a mental pervert without criminal intent, while that in the Funk case showed deliberate design. Briddell must serve time while Funk goes free on payment of fine. And thus is justice ground out.

MENACE OF ARMS SHOWN AS CAUSE OF SLAYING RATE

Record Since 1900 Reflects an
Attitude of Lawlessness and
Indifference to Life
Unparalleled

WEAPONS CAN BE OBTAINED
WITH TOO MUCH LIBERALITY

City of Memphis Maintains Its
Lead With 67.4 Killings per
100,000 Population

NEW YORK, June 13—Drastic federal legislation for the control of fire-arms as a means of checking steadily growing homicide rate was urged by The Spectator and Insurance periodic today, in making public homicide statistics for 1922 which showed a slaying rate in twenty-eight of the largest cities of nine per 100,000 of population. *6-14-23*

"The record since 1900," said the review, "reflects an attitude of lawlessness and indifference to human life without parallel in the history of mankind. The outstanding facts of America's murder record are: first, the excessive proportion of criminals who go entirely unpunished, or who fail to receive punishment proportionate to the seriousness of their offenses; second, the large majority of murders committed by shooting, as the result of the ease with which revolvers and ammunition can be secured even where the law prohibits their sale."

Presenting statistics of the federal census bureau to show that nearly five out of every seven murders in the last 12 years were committed with

fire-arms, a review said:
Control Murder.

"While a beginning has been made in some states to control fire-arms, there is probably no alternative than congressional action of meeting the murder problem."

Capital punishment, the review concludes, is not a sufficient deterrent of homicidal crimes to justify its continuance, and should be abolished as "a relic of barbarism."

Against 336 deaths from murder in 1921, there were 331 in 1922, the rate list with 64.7 per 100,000 of population. Spokane was at the other end of the list with one per 100,000 Nashville Tenn., was the second highest rate, 30.7. New Orleans was third with 21 and St. Louis fourth with 16.9. Other cities with excessive rates were given as follows:

Cincinnati, O., 14.6; Louisville, Ky., 13.1; Los Angeles, Cal., 12.9; Chicago, 11.8; Dayton, O., 11.7; Washington, D. C., 11.2; Cleveland, O., 10.5; and Baltimore, Md., 10.2.

Cities with low rates include: Milwaukee 2.9; Boston 3.6, Washington 5.4 and Minneapolis, 5.5.

"On account of a few exceptional cases," said the review, "the New York City murder report is always more or less in the limelight, although the New York rate of 5.8, is much below the national average."

A NATIONAL CURSE.

The Constitution presents today on this page a summary of the report to be submitted to the American Bar association by the special committee appointed to study and report upon the question of law enforcement in the United States.

This committee is headed by Hon. Charles S. Whitman, former governor of New York, and among its members are some of the most prominent attorneys in the United States.

The committee has had the cooperation of leading lawyers the country over, and its report is based upon an investigation that covers every state in the union and upon reports and suggestions submitted by representative lawyers throughout the country.

The committee's report is a fear-

Convict Earnings and Dependents

Dr. Amos O. Squire, chief physician at Sing Sing, speaking before the American Prison association at the meeting in Boston, touched on an old problem when he advocated reformation of the prison system in a way to provide for a share of the earnings of convicts to go to their dependents, or to the dependents of their victims in case of murder. *The Houston Post*

The unfortunate part about imprisoning for long terms men guilty of serious crimes is that in the majority of cases the innocent suffer along with the guilty. Not infrequently, the family of the criminal pays a more severe penalty in being deprived of his support than does the convicted man himself. While he is fed and clothed and assured of shelter, those dependent upon him may find it difficult to secure the bare necessities of life, and sometimes they become public charges.

And, in the case of where one man takes the life of another, no amount of punishment inflicted on the offender can materially benefit the dependents of the victim. Sometimes the imprisonment of a murderer means that two families are put into difficulties.

When persons meet death through the negligence or carelessness of individuals or means, or corporations, such individuals or corporations are held liable for damages to the dependents of the victim. Every day the courts are awarding damages to widows and orphans of men killed in accidents. *Houston, Tex.*

But when one man deliberately takes the life of another man, perhaps depriving the family of the other man of his support, the one who slays is usually accountable only to the State. No effort is made to compel him to make reparation to the family he injured. And if he be convicted, his own family is deprived of his support.

The plan suggested by Dr. Squire involves this principle of reparation to the injured party, and at the same time is a step in the direction of relief from the age-old injustice of making the innocent suffer with the guilty in punishing crime. *10-1-23*

The State would be better served by permitting the earnings of a convict to go to the proper support of his dependents, or to the dependents of his victim, than it is by taking the profits from convict labor for itself.

Still another phase of the proposition is that more criminals would likely be convicted by juries, if the prospect of depriving families of support were not held before them. Shrewd criminal lawyers never fail to play on the heart-strings of juries with the plea of protection to the "defendant's wife and babies."

The system of paroles used by some States carries out this plan in some degree, but there is no reason why it should not be applied to the prison population in general.

indictment against the civilization of this country, the worst feature of it being the presentation of facts and figures irrefutably demonstrating the truth of the conclusion that this country is far behind the leading countries of Europe in the matter of law enforcement, and that it is far ahead of any European country in the number of crimes committed in proportion to population. The committee attributes this largely to "the apathy and indifference of the American people," and it reaches the conclusion that the law and enforcement system of this country "lacks in the three great essentials—CELERITY, CERTAIN, and FINALITY."

The committee attributes this cases of proven crime growing less each time, of even where conviction is final, of having criminals escape confinement or being freed by too liberal application of executive clemency.

A first conviction in this country too often means little or nothing.

No sooner is a conviction obtained than an application for a new trial is made, and where that fails the next resort is to appeal from one court to another; and where all these fail the next step is to appear before a pardon board, or an appeal for executive clemency, and through the whole process the criminal resorts to a thousand and one technicalities offered by the law to prevent rather than to assure punishment for crime.

The present system of our administration in this country needs fundamental revision along the line suggested in the report of this special committee of the American Bar association, which should be given the widest publicity with the hope that it will have a tendency to awaken the American people from the lethargy in which they have fallen in this respect.

Slackness in the administration of justice is one of the curses of this country.



Good Mornin' Judge

BUT THE JUDGE ONLY SMILED

After American
Mrs. Parks Sets Trap for Flim-Flammers—Man Needed Clothes for Cold Snap; Takes Friend's—Drug Makes Poor Man Rich—"Gets New Drink Called 'Glad Water'—'Alfred Smith Came'"
Baltimore, Md. 9-23

A FRIEND "IN NEED"

Because he needed them, Haywood McDowell, 27 E. Lee street, has won the name of being the meanest friend in the world by taking a \$40 overcoat, a \$5 hat and shoes, suit and shirt valued at \$56 from his friend, Samuel E. Johnson, 172 W. Ham-burg street, Sunday, just when the weather man was predicting the coldest snap of the season. But Johnson found enough wearing ap-parel to make a hot pursuit and as a result Hayward was landed in the Northeastern Police Station, where he was held for the action of the Grand Jury.

"MILLIONAIRE FOR A DAY"

After John Floyd, 407 Pearl street, had given away several thousand dollars in imaginary checks to friends and was picking gold twenty-dollar notes from the trees for some time he was taken in by Northwestern Police officers and delivered to Federal authorities charged with violating the Harrison Drug Act. Otis Henderson, 620 Raborg street, was held on the same charge.

TOO MUCH "GLAD WATER"

Mrs. Martha McDaniels and Mrs. Maggie Gross, both of 107 S. Stock-ton street, and Mrs. Rebecca Thomas, of 1002 Boyd street, bought something which they called "glad water," and "glad" water it was. They could not tell the policemen from any one else when they ar-rived and as a result they each con-tributed \$20 to the public treasury in the Southern Police Station Mon-day.

ALFRED SMITH "CAME"

When William Davis, 526 Dolphin street, and Miss Emily Johnson, 1026 McCulloh street, came hurrying down Preston street, the former with a cut face and the latter with a cut hand, and met a policeman, the only thing they remembered was that "Alfred Smith came."

"Yes," she said, "Alfred Smith came and all of this happened." The police took the couple to the hos-pital and they are looking for Al-fred Smith.

WORM TURNS ON JAMES B. ELLIS

Mrs. Ida Parks, 1405 Jefferson street, was perhaps the happiest

witness that ever took the stand in Part 1 of the Criminal Court last Friday when she constantly had to suppress the visible glee she was getting out of telling how James B. Ellis got buncoed in trying to bunco her.

Ellis sat on the prisoner's bench and registered the last styles of woe and hard luck as she handed out his misery in big chumps.

According to the testimony Ellis and another man had tried the flim-flamming game on Mrs. Parks. Meeting her on the street he began a Rodolph Valentino stunt which she said fairly took her off her feet. He flushed a bank book that seemed bursting with big bills while his confederate pulled the old time finding of the fat wallet.

Then Mrs. Parks saw the big idea and things began to move fast and furious. In order to change some of the big money for the whack she was asked to produce \$100. She decided to bait her prey well and she took him to her home and inci-dently let him view the promised land in the form of her bank book. Then she told him to meet her down town and they would go to the bank.

He was "Johnny on the spot," and met her at the appointed hour. Then after some more love-making she suggested a shopping tour. With his mind on that \$100 he was glad to do a little premature spending, so they visited stores where candy and pictures to adorn her home were bought.

After she had depleted his pocket-book she then went to the bank where by previous arrangements some minions of the law were wait-ing to receive him, but not until she had made his woe complete by even drawing the money right before his eyes that he thought he was going to get.

His confederate, who had wit-nessed the blue-coated clouds gath-ering at the bank, made his get-a-way before Ellis was arrested. He was found guilty and sentence sus-pended by Judge Stein.

ARRESTED FOR ASSAULT, SHOOTING OR CUTTING

Dellie Reeder, 519 Pierce street, \$10; Samuel Welsh, 43 N. Caroline street, 30 days in jail; Lewis L. Coats, 817 Puppens court; Martin Price, 327 Pearle street, \$5; Walter Staten, 903 McDonough street, \$25; Luther Bacon, 839 Colonial alley,

\$25; Preston Mills, 788 W. Saratoga street, \$25; Robert Tunstall, 710 Pierce street, \$50; John H. Guery, 1113 N. Stricker street, \$5; Cephus Simmons, 1510 E. Fairmount ave-nue, \$25; Courtney Robb, 902 Lead-enhall street, 3 months in House of Correction; Mamie Williams, 1128 Mary street, committed to court.

HELD FOR LARCENY, ROBBERY OR BURGLARY

Albert Strauder, 1104 Port street; Albert Bennett, 910 Shields avenue; Charles Chase, 242 N. Poppleton street; Bessie King, 1108 McCulloh street; Charles Hayden, 1564 N. Freemount avenue; Bessie Williams, 1108 McCulloh street.

HELD FOR NON-SUPPORT

John Augustus, 1039 W. Lexing-ton street; Edward Dixon, 1740 George street.

COMMITTED FOR CORNAL KNOWLEDGE

Lewis Matthews, 1039 N. Stricker street.

FINED FOR DISORDERLY CONDUCT OR DISTURBING THE PEACE

John W. Larkins, 1356 N. Free-mount avenue, \$10; William Whit-ing, 727 W. Franklin street, \$10; Ernest Taylor, 1221 Smith street, \$25; Mary Marshall, 803 Raborg street, \$5; Isaac DeShields, 733 Ann street, \$10; John Dorsey, 155 Ehon alley, \$5; Irvin Brooks, 8 N. Sock-ton stree, \$5; Addie Elsey, 1305 E. Monument street, \$10; Floyd Jones, 367 N. Eden street, \$25; Bessie Demby, 225 High alley, \$25; Her-ber W. Smith, 1412 E. Fairmount avenue, \$25; Etta Miles, 13 N. Dal-las street, \$10; John W. Spense, 1118 Hazelbacker court, \$1; Henry Thompson, 1116 Hazelbacker court, \$1; Thomas Jefferson, 955 Sharp stree, \$25; Charles R. Dorsey, 943 Sharp street, \$25; Lena Robinson, 310 S. Sharp stree, \$5; Robert Light, 215 S. Sharp street, \$25; Margaret Taylor, 305 S. Dallas street, \$5; Louisa Williams, 2 Cooks court, \$5; Albert Steward, 1102 E. Madison street, \$2.45; Marie Brown, 904 Pearle street, \$10; James Madden, 540 W. Preston street, \$10; James Browles, 2424 Oak street, \$25; Ed-ward Burroughs, 1806 McCulloh street, \$5.

Sentimentality and Stern Sense.

Commented upon
 Over in England a woman who in-stigated and assisted in the murder of her husband by decoying him to the place of his death and her young lover who did the actual killing are legally executed and the news of their hang-ing is printed in one column of the daily press. In another column is contained the story of contempt for law and violence as it is being di-vulged in a parish of the great state of Louisiana. The news from London

without doubt will cause much agita-tion and anguish to the sentimental-ists in this country who will consider the execution of a woman as being a blot upon the name of Great Britain. The maudlinists doubtless will either overlook or attempt to palliate the story from Louisiana, but thinking people will give it weighty consid-eration and they will find a connection between what happened in London and what has been happening in Louisiana.

Even to thinking minds it may seem a stern but necessary administration of justice that demands the execu-tion of a woman but its justification will be in the low record of crime that England has as compared with other countries and especially with our own. In the United States we have mobs and lynchings and Ku Klux largely because the agents of the law do not assert to the fullest its majesty and authority. England does what we fail to do to a large extent in the enforcement of the law and for this reason we suffer much more in the way of lawlessness and contempt for lawful authority. If sentiment can be shocked by stern law enforce-ment how much more should it be shocked by stern disregard for law? This is the question that arises when we read the testimony of a Mer Rouge farmer who had been a member of the Ku Klux but who quit it because he had no stomach for the violence it practiced.

According to this witness the cy-clops of the klan in Morehouse Parish was judge, jury and executioner for the whole territory. Cases that were supposed to need klan action were re-ferred to this official and he told the members "what to do, whatever he says goes, whatever popped into his head about what to do with these men or women, he ordered done." Surely a condition of affairs more evil than would be imagined even under mob government. And when this witness was asked whether or not there was any confidence in law and order in the parish he replied most significantly:

Not by any means. The people here live in fear and dread every minute, all the time, both good and bad. Why, I was coming home one night when a woman drove up beside me. She stopped me and begged me to accompany her to Mer Rouge. "I am afraid to go any further through these

dark roads," she said.

Here we have the difference in re-sults between the stern English and the lax American system of law en-forcement. How much better must it be for all as it is in England where the fear of the law grips the lawless than it is in Morehouse Parish and other places where the fear of the lawless grips the law abiding. If law and order are to be safeguarded the agencies of safeguarding as well as the safeguards themselves must be adequate and unbending. For it is true now and will always be true that if law does not control lawlessness, then lawlessness will control law.

Old Wine in New Bottles

INDIANAPOLIS IND. STAR

FEBRUARY 1, 1923

It is hardly necessary to point out the fact that the failure of law enforcement in America is the most serious problem with which our statesmen must deal during the next few decades. Strik-ing examples of this failure are crowd-ing upon us so fast that there is no es-caping the conclusion that in this par-ticular, as a self-governing people, "day by day and in every way" we are get-ting worse and worse. The old scandal of the near impossibility of executing a murderer is forgotten in the flood of other failures of justice of larger and more general aspect.

In Massachusetts, New Jersey, New York city, Chicago and innumerable other spots the Volstead law is a farce. In some other communities the forbid-den trade in narcotics flourishes almost openly. In Williamson county, Illinois, perpetrators of the horrible Herrin mas-sacre are freed by a jury of their peers, because the union influence in the county is so all powerful that the union can do as it pleases and defy all law. In Har-ri-son, Ark., a railroad striker, suspected of sabotage, is hanged by a mob and there is not a chance in the world of convicting his slayers, because the anti-union influence in the vicinity is so all powerful that it can defy all law. In Florence, Fla., a negro is suspected of the usual crime and resists arrest. As a result, a number of negroes are killed and the negro quarter of the town is burned and there is not the slightest ground of hope that the leaders of the mob will ever be arrested, much less convicted.

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 The remedy? If I could give it to you offhand, beloved, I would be one of your real statesmen, instead of your common scold. Doc Shumaker, with eye single on the Volstead failure, demands more laws requiring judges to boil bootleggers in oil or something like that, the result of which would probably be that we, the pe-pul, would counter by retiring the thoroughly upright and able young man now presiding over our City court and electing some crook, who would decline to convict not only bootleggers but a lot of other criminals. And other communities, where the nip has a shade the better of tuck, would find a way.

Too many fool laws already? Cer-tainly that is one of our troubles. In a former sermon I showed you how im-possible it is to live in Indiana without violating some fool law or other. All of which means general disregard of law. Is prohibition a fool law? There's an

awful lot of debate on that subject and I certainly think a wiser way of abolishing the saloon might have been found. Is it a mistake to have judges elected, instead of appointed? Unquestionably it is. The judge in one of our state courts is subject to all the political influences of the neighborhood in which we expect him to deal out equal justice. It would be equally logical to have our policemen elected by the people on their beat. There are sections of the "Av'noo" that would like that plan immensely. Not only our judges, but our sheriffs and all that have directly to do with law enforcement should be made independent of immediate political influences as far as possible. Prisons! Prisons should be for punishment, not for the popularization of crime.

How about that grand old Anglo-Saxon institution, the jury? Well, how do you like the performance of the Herin jury? How would you like the performance of practically every jury that has had to deal with mob law? The jury, beloved, and a lot of other "home rule" poppycock are archaic survivals of the ancient day when the yeomanry of England was fighting against the tyranny of the crown in the first place and against the encroachments of the nobility in the second. The greatest luck that ever happened to us is the fact that in these desperate struggles for individual right and liberty, the crown and the nobility of England were divided and their antagonism played into the hands of the common man. But in America we are safely past all possibility of either crown or nobility and I think we have safely passed the possibility of tyranny from an oligarchy of wealth or any other sort of oligarchy or aristocracy. We are menaced not so much by tyranny from above as by disintegration from below—for mind you, democracy has ever carried within itself the seeds of disintegration and destruction of popular government.

Certainly we have not yet learned to govern ourselves in the best possible way. Perhaps we have not learned how to govern ourselves at all. We have been at it but a century and a half—a very brief space as history measures time. In our later youth we are not nearly so cocky about this business of self-government as we were in our national childhood. We have discovered that it is a real job and one of our chief drawbacks today is the very thing that was our chief bulwark of liberty when we were fighting the Norman Kings in the old home land 1,000 years ago—the right to be judged by our peers and a large measure of local control in our government of ourselves.

Go to the Federal building and study that statue of justice that guards Judge Anderson's private entrance and ask yourself a few questions. Can that lady resist the temptation to peek out from under her bandage when her personal friends and her personal enemies are contending? Can those scales balance when the hand that holds them is twitching with personal hope or trembling with personal fear? Every lawyer knows that when we get exact justice from a jury, it is a case of luck. So notorious is this fact that we have empowered our judges to take civil cases from the jury, but in a criminal case—in the matter of law enforcement—there is no such power. So notorious is this fact that we have empowered the accused to demand a change of venue to escape local prejudice—but in the matter of enforcing the law we have granted no such power. In fact our whole scheme of judicial procedure in the enforcement of law has been worked out not for the protection of the public, but for the protection of the accused.

In the Bahama islands, the magis-

trates are sent out from England. The chief of police and his assistant are Canadians. The black police force is recruited in Barbados, housed in barracks and handled with military discipline to keep its members aloof from the local population. They may not have much else in the Bahamas, but they do have exact and prompt justice in criminal cases—and, as a result, crime beyond a little petty pilfering, mostly by boys, is almost unknown, though booze is plentiful and the great mass of the population is composed of rather ignorant and very indolent blacks, with an element of criminally inclined rum-runners that would be very troublesome under other conditions.

RUSSEL M. SEEDS VICE IS VICE

A GREAT DEAL is being said, written and published about the prevalence of vice in Chicago, and with special reference to the Second and Third wards in which a large number of members of our group happen to reside. That vicious conditions exist in our city to a greater extent than is compatible with the good name of the city cannot or will not be denied. But in this respect Chicago is by no means exceptional. What is true of Chicago along these lines is not only true of all other large cities, but in some of them to a much larger degree than Chicago. Still this is no excuse for nor justification of such conditions here because they prevail elsewhere.

IT IS THE DUTY of the authorities to wage war upon vice in any form regardless of circumstances or conditions. So far as Chicago is concerned some of our self-constituted reformers seem to be imbued with the idea that certain vicious practices are excusable and justifiable and therefore should be tolerated if the participants are confined to one particular race. But said practices are held up and pointed out as deserving public condemnation only when the participants are white and Colored intermingled.

CRIME IS CRIME and vice is vice, regardless of race or color, and in dealing with such conditions the racial identity of such participants should not be taken into consideration. A white criminal is no better and no worse than a Colored one, and vice versa. If more white and Colored thus mingle together in the Second and Third wards it is because the white criminal class seeks the society and companionship of his social equals of a different shade. Generally speaking, as bad as conditions may be in the wards referred to, there are a number of other wards in the city in which the same conditions prevail and in some of them in a more aggravated form. The only difference being that the participants are confined to the white race, thus demonstrating the fact that so far as the mingling is concerned the aggressors are of the white race.

THE UNFORTUNATE THING connected with many of these investigations is the lack of sincerity on the part of those who profess to be concerned about the public's welfare. Many efforts are more political than otherwise. They usually start up a few months prior to an election and subside shortly thereafter. This paper is just as intensely opposed as any of the so-called reform organizations to criminal methods and criminal practices without the slightest regard to the racial identity of the participants or the particular locality in which they prevail. A gambling den or a house of prostitution should be just as objectionable and obnoxious on the North Side, where many are known to exist, as in the Second or Third wards. In other words, because the participants in one locality may happen to be all white and some of them in opulent circumstances, they should not be looked upon with any more favor than the dives in other sections.

WHILE THE CONDITIONS referred to are inexcusable and indefensible, and this paper is anxious to have them eradicated, yet we are intensely opposed to racial proscription or segregation in any

particular. When our reformers, therefore, wage an indiscriminate war upon crime and vice without reference to race or locality, and without regard to the social standing of the guilty, the Defender will do everything in its power and exert its influence to crown such efforts with success.

Intent to Avoid Anti-Lash Rule Seen by Walker

3/23/23.

Scores Course Adopted at Session Here—Prison Officials Seek Return of Flogging.

Characterizing the resolution adopted by county commissioners and county wardens in session here Thursday as a "a flimsy pretext to avoid the anti-lash order of Governor Hardwick," and deploring the prison officials' decision to ask the next general assembly to return the lash to Georgia prison camps, Charles N. Walker, chairman of the churches' prison commission, Thursday night voiced strenuous protest at the proposed course.

"The resolution adopted by the prison officials," stated Mr. Walker, "definitely specifies in its beginning relatively humane methods of punishment to be employed in lieu of the abolished lash, and, in its conclusion proposes 'any such other mode of punishment as will suggest itself to the warden in charge and suitable to the situation.'"

"This is equivalent to placing the means of punishment entirely within the jurisdiction of the warden, so long as he does not whip prisoners. I have before me a newspaper account of charges against a Jacksonville prison official in which it is stated that he buried convicts in the earth to their necks, poured bull ants down their backs and inflicted other horrors on defenseless men."

Indefinite Resolution.

"Under the resolution drawn up at the meeting here Thursday, the same means of punishment could be resorted to in Georgia. Prison officials, it seems, would be definitely instructed to avoid flogging, but then are informed that any other procedure they could devise would be all right."

"The situation in Georgia demands a definite statement of what means of punishment convict officials may employ. That is the only safe course. The one determined on Thursday would leave revenge and cruelty still in the seat."

"One commendable feature about the resolution is that it specifies solitary confinement to take the place of whipping. However, it lacks that tone of humanity and encouragement so needed in handling prisoners. The sole thought of the prison leaders seemed to be along lines of punishment. What they should provide is a humane system of fair, decent treatment and encouragement of unfortunate men under their control."

Mr. Walker declared that his or-

ganization, which for years has waged war on the lash in Georgia prison camps, will bitterly resist all attempts to bring back flogging.

Stormy Session.

The prison officials, at a stormy session held in the chamber of the house of representatives adopted resolutions embodying a new rule in the administration of county convict camps, intended to provide means of punishment for unruly convicts, to take the place of the lash.

Just before adjournment of the meeting, a resolution introduced by Judge J. K. Davis, of Polk county, was adopted, requesting that the next legislature authorize the use of the lash in the camps and remove the prison commission from under the control of the governor. This resolution was passed in substitute for one introduced by H. H. Elders, attorney for the Tattnell county commission, which proposed that the gathering go on record as advising the various county commissions and wardens to "pay no attention" to Governor Hardwick's order.

New regulations as given herewith in the text of the adopted resolution will be put into effect at once and it is believed by the wardens that their provisions for substitution of solitary confinement and enforced standing shackled in an upright position, will largely supplant the need of the lash in controlling unruly prisoners.

Text of Resolution.

During the session, which was attended by about 300, Governor Hardwick was both condemned and applauded for his action in stopping flogging as a means of punishment in Georgia prison camps. At times the meeting progressed under intense excitement, as the wardens and commissioners would press forward toward the speaker's rostrum, in their anxiety to press home their point.

The text of the resolution finally adopted, providing the new means of punishment, is as follows:

"Substitute for the third and fourth paragraphs of rule No. 12, prescribing the duties of wardens, page 8 of the book of rules:

"They shall safely keep all prisoners committed to their charge, rigidly enforce discipline by the use of such humane modes of punishment as will best enforce submission to the authorities and compel and induce the performance of good and faithful labor during work hours, such as solitary confinement, restriction of diet, restriction of privilege of receiving visitors and other privileges usually accorded first-class prisoners, using shackles and chains and handcuffing the hands and feet for the purpose of confining them, fastening their hands in an elevated position above their heads while they are compelled to stand upright and such other mode of punishment as will suggest itself to the warden in charge and suitable to the situation."

NEW REGULATIONS IN CONVICT CAMPS Opp. to GOVERNOR Constitution

New regulations for punishing insubordinate convicts in Georgia will have to be approved by Governor Hardwick before they can become effective, it was stated Friday at the offices of the state prison commission.

The new rules were formulated Thursday at a meeting of about 300 county commissioners and wardens held in the senate chamber.

The governor is expected to return from Florida about April 1.

As a substitute for the lash, which was recently abolished by Governor Hardwick, the new regulations provide that refractory convicts may be punished by solitary confinement, restriction of diet, restriction of the fastening of the hands above the head while the prisoner is standing upright.

KILLED COLORED GIRL; GIVEN LIFE SENTENCE GREENVILLE, Ga., March 3.—

Will Hendrix, 20-year-old white man, was convicted of the charge of murder February 24, in connection with the killing of Mattie Cox, 18-year-old colored girl. The jury sentenced to serve a life term.

Crime - 1923.

II.

General.

It is true that the strength of inheritance is bad. Our blessed form of Government. A king of the world, however sound in can never be successfully assailed his biological, moral and ethical concepts, by forces from without, unless however enlightened and benign, who had we by abuse and indifference the power to enforce instantly every rea- with in, so weaken its armor assonabl decree, could not possibly eradi- to make an opening that can becate vicious human traits in one or two successfully penetrated by its generations. But the third and fourth esenior. But if we would be generations should begin to reward him sure of our Government, we must for his efforts—after that a new race. uphold and enforce its laws. For See the thoroughbred, also purebred cattle. our Government is not a govern- They were not produced in a generation. ment subject and the whines of The bigger the city the easier the work men not it is a government of of highwaymen. The village is the safest laws, whose sacredness are en refuge for those who seek security.

10-26-23.
genius and lives of its founders and which if it is to endure must be forever inshrined in the hearts of all American citizens.

Our country shall and will be just as good as the citizens of our country want it to be.

CRIMINALS WHO ARE EDUCATED.

The following editorial is from the Sparanburg Journal:

A very interesting study in the field of criminology is revealed by a report to Johns Hopkins University, prepared for that institution by Prof. Carl Murchison, after he spent three years of comprehensive research work in American prisons during which time he made inquiries of 7,000 college men behind the bars.

College men are just as prone to turn criminals as men who never saw inside a college, according to the professor, and 98 per cent of the college men in jail are members of the church. The average age of the college prisoner is middle age.

Of the few college women he found in prison the majority were serving terms for having committed murder, which proves Kipling's axiom to the effect that the female of the species is more deadly than the male.

Only those who are sentimental about education will be surprised at this. Education is not a panacea for crime, and if we proceed on the assumption that it is we shall be disappointed in the end.

Education enhances the efficiency and usefulness of the individual. It makes it easier for him to earn a living, and it opens the doors to the larger life for a great percentage—yet not for all. Education makes life pleasanter. But education as obtained at school and college, does not make a good man out of a bad one.

The problem of defective character is not so simple as that. Indeed, it is one of the most baffling of all our social problems. Discipline and intensive drilling in sound moral and ethical principles by the parent while the individual is very young are vital and effective. Yet even these do not suffice if the individual's blood in-

CONVICT LEASING

IN MANY of the Southern states there is an honest effort being made to abolish the system so long in vogue of convict leasing. It is one of the curses that has clung to this section and caused no end of suffering, trouble and unfavorable comment. Disregarding the recent failure of the Alabama legislature to pass measures that would wipe out this inhuman practice, state leaders have organized the Prison Reform association for the purpose of carrying on the fight. State-wide forces have been merged into a powerful organization. Co-ordination is the watchword and the crusade to do away with a system which is a disgrace to the state is under way.

THE COMBINATION of crooked, mercenary public officials and brutal, inhuman plantation owners factory, mill and shop bosses and road paving magnates has made life for many an unfortunate a veritable hell on earth. It has been the custom when a large employer of labor needed more help than all he had to do was to make his wants known to the jail and prison authorities—slip them a tidy little sum of money for their trouble—and these worthies would send out rounding-up squads who would pick up men and women indiscriminately on the slightest pretext or on trumped-up charges, haul them before a so-called judge, who would promptly sentence them to so many days or months at hard labor. The order for labor was filled and everyone save the poor, helpless human machines was happy.

ONLY A SMALL per cent of whites are thus farmed out, not because that section does not contain a large ignorant, indolent, loafing and criminally inclined class of them, but because it is much easier and safer to impose on the fellow whose hands are temporarily tied than the fellow who is free to strike back. There is much room for reform in our prison system all over the country, and it is gratifying to note that public interest in this matter is being aroused to the extent that reform organizations are springing up and bringing pressure to bear on those guilty of keeping alive and fostering for a monetary or any other consideration the detestable convict leasing system.

Striking Report of the Crime Committee To Meeting of American Bar Association

Atlanta, Ga. — want of respect for the law in this country and the failure of its enforcement.

A special committee appointed by the American Bar association will present its first complete survey of crime conditions in America at the meeting of the association in Minneapolis next week, August 29, 30, 31.

Personnel of the committee.

The chairman of this committee, Hon. Charles S. Whitman, former governor of New York; Judge Marcus Kavanagh, of Chicago, and Wade H. Ellis, of Washington, D. C., spent some time in England and France this spring studying the physical application of the criminal laws in order to understand the crime conditions of the two countries as a basis of comparison with conditions in this country. Other members of the committee, Charles W. Farnham, of St. Paul, and Mrs. Annette Abbott Adams, of San Francisco, have been active obtaining information to lay before the bar association.

The important recommendation made by this committee prescribes a permanent commission of the American Bar association to formulate a standard code of criminal procedure for all the states of the union.

Findings of Committee on Law Enforcement.

Behind every defect in the enforcement of our laws, more dangerous than any other factor in accounting for the number of crimes committed in this country, is the apathy and indifference of the American people.

While the general population of the United States for the years 1910 until 1922 increased 14.9 per cent, the criminal population increased 16.6.

The largest proportion of the criminal increase was found in crimes accompanied with violence.

There exists in nearly every state of the union a lack of vigorous enforcement of the criminal laws.

The means provided in the United States for coping with crime and criminals are today neither adequate nor efficient.

The criminal situation in the United States, so far as crimes of violence are concerned, is worse than in any other civilized country.

The committee has contented itself with reporting first, the situation of law enforcement in this country, second, the situation in two other countries for the purpose of measurement or comparison, third, the chief respects in which the machinery of law enforcement in England and France differs from our own, together with the immediate results of this difference.

Lastly, by reason of this difference, the system in the United States lacks in the three great essentials for law enforcement: celerity, certainty and finality.

This lack, together with general public indifference to the situation, accounts in large measure for the

Crime In England.

Some interesting statistical facts regarding the crime situation in London, Paris and New York were announced by the committee in its report to the gathering in Minneapolis.

1. There were 17 murders in London last year and not one of these crimes was unsolved.

2. It is estimated 7,850 murders were committed in the United States last year. During 1921 there were 260 murders in New York and 137 in Chicago. In the same year throughout all England and Wales there were 63 murders.

In its report the committee says: **How England Enforces Law.**

"We learned that the prison population in England has been steadily decreasing since 1876, the latter period marking about the time when the simplification of the English criminal procedural laws began to be effective.

"One of the striking reasons for this is the fact that it has been made possible for anyone sentenced to a time to obtain extension of time for its payment at the discretion of the magistrate and a defendant may even pay his fine in installments."

Briefly, the committee finds that the speedy trials given the criminals are largely responsible for the low crime rate in Great Britain.

"The continual appearance of cases and reversals by the upper courts are practically unknown to English justice.

The Crime Situation in France.

In 1919, the year statistics were last published in France, figures show that there occurred in all that country 588 murders. In 48 cities of the United States last year, representing every section of the country, but omitting many cities and towns from which figures could not be obtained, there occurred 1,562 murders. These cities contain about 21,000,000, or a little over one-fifth of our population and fairly typify the rest of the country.

In accounting for the smaller number of crimes in France, it must be remembered that 35,000,000 out of 40,000,000 of French inhabitants live in small villages, where their ancestors have lived for generations, and where every act is carefully scrutinized.

It is not without plain significance that the laws of France carefully plan and, in extreme cases, scientifically apply disgrace and exile as a penalty. This recognizes a dominant trait in the French character, his love for his native town and his love for France. Exile from France is one of the most drastic penalties imposed.

In the last published reports in France for the year 1919 there were only 121 robberies. In that same year San Francisco had 258 robberies, Washington 323, Chicago 1,862, Louis-

ville 241, St. Louis 1,087, and New York 1,427.

Only the belief that nothing can be accomplished without a full realization of the situation by the American people impels the committee to present the figures and statistics of this association and the striking contrast as between the situation relative to crime in America and in these two countries of Europe.

JUDGE O. G. PERSON'S CHARGE OF THE GRAND JURY, OCTOBER TERM OF COURT

Mr. Foreman and Gentleman of the Grand Jury:-

Your presence in this court is in perpetuation, of one of the oldest institutions in the history of the Anglo Saxon people. The origin of the Grand Jury system dates back hundreds of years and if it were not a good institution, the genius and intelligence of the English speaking people would have displaced it long ago. The duty of the Grand Jury is to hold the grand inquest in the investigation of all the crimes that may have been committed in the county, without the action of the grand jury first being taken no person who may have violated a criminal statute can be tried in the Superior court. It is therefore your duty to investigate all violations of the laws against crimes and presentments now thereof in order that the accused may be brought to trial and justice.

This duty of yours as sworn grand jurors is most important when the regulation of the violations of criminals laws is placed upon you, for the morals of a community, is its worth as the morality of a people is all that is justified by history. The law never trusts its punishment to individual vengeance. The punish-

ment of the law is reserved alone for the judgement of the legally constituted tribunal under the constitution of the State and the nation.

Into the keeping of the Grand Jury is placed the sacred liberties of our people.

We have a wonderful government and a wonderful system of laws. The Bill of Rights in our Constitution contains the "inalienable rights" which the citizens of our country have enjoyed from the foundation of the government. These rights are as free as the air we breathe and because of this they are not generally realized and appreciated by the masses.

Can the protection and blessings of liberty granted unto us by the provisions of our Constitution which protects the rights of private property guaranteed unto all the freedom of speech, the freedom of the press, freedom of religion belief, insure unto us the right of trial by jury, abolish all forms of nobility and social caste and gives every citizen an equal chance in the race for life, be emphasized or estimated. And yet we are careless of protecting and preserving these great blessings of liberty, for Georgia to the disgrace of her good name ranks

high as a lynch law state and a mob law state, mob law is a crime flogging people by self-styled moralists is a crime, mob or lynch law would never be popular with those who impose its penalties upon others, if it was likewise inflicted upon them.

We have unique evidence of this truth in the case of the apostle Paul for after he had headed the mob that stoned Stephen to death because of his religious belief, he Paul was converted and he made confession of his great sin in holding the garments of Stephen's executioners to the people of Jerusalem and the crowd was so outraged at his confession that they said "away with such a fellow from the earth, for it is not fit that he should live." Whereupon the crowd set upon him and was about to mob him when he was taken in charge by the chief captain who ordered him to be examined by scourging to his Paul protested in the name of the law by asking the officer: "Is it lawful for you to scourge a man that is a Roman and uncondemned?" and the centurion standing by told the chief captain to take heed what he was about to do with Paul declaring that his, the Centurion's freedom under the Roman law had cost him a great sum." Paul replied to this by saying that he was a "free born Roman citizen." When he said this the officer of the Roman law took him away from the Pharisees and Saducees who would have scourged him without a trial and sent him under a guard of 200 Roman soldiers to the properly constituted authority for examination under the rules of the law. Paul ever after this rejoined his friends Timothy and Titus and he never again became the member of a lynching mob.

Georgia's unenviable record as a nation's lynching state can only be changed by her citizenry who are emancipated and sworn as Grand or Trial Jurors, into their hands and the hands of an incorruptible court are reposed for sacred keeping the suppression of crime by inflicting punishment upon criminals duly convicted in

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ment of the law is reserved alone for the judgement of the legally constituted tribunal under the constitution of the State and the nation.

Into the keeping of the Grand Jury is placed the sacred liberties of our people.

We have a wonderful government and a wonderful system of laws. The Bill of Rights in our Constitution contains the "inalienable rights" which the citizens of our country have enjoyed from the foundation of the government. These rights are as free as the air we breathe and because of this they are not generally realized and appreciated by the masses.

Can the protection and blessings of liberty granted unto us by the provisions of our Constitution which protects the rights of private property guaranteed unto all the freedom of speech, the freedom of the press, freedom of religion belief, insure unto us the right of trial by jury, abolish all forms of nobility and social caste and gives every citizen an equal chance in the race for life, be emphasized or estimated. And yet we are careless of protecting and preserving these great blessings of liberty, for Georgia to the disgrace of her good name ranks

high as a lynch law state and a mob law state, mob law is a crime flogging people by self-styled moralists is a crime, mob or lynch law would never be popular with those who impose its penalties upon others, if it was likewise inflicted upon them.

We have unique evidence of this truth in the case of the apostle Paul for after he had headed the mob that stoned Stephen to death because of his religious belief, he Paul was converted and he made confession of his great sin in holding the garments of Stephen's executioners to the people of Jerusalem and the crowd was so outraged at his confession that they said "away with such a fellow from the earth, for it is not fit that he should live." Whereupon the crowd set upon him and was about to mob him when he was taken in charge by the chief captain who ordered him to be examined by scourging to his Paul protested in the name of the law by asking the officer: "Is it lawful for you to scourge a man that is a Roman and uncondemned?" and the centurion standing by told the chief captain to take heed what he was about to do with Paul declaring that his, the Centurion's freedom under the Roman law had cost him a great sum." Paul replied to this by saying that he was a "free born Roman citizen." When he said this the officer of the Roman law took him away from the Pharisees and Saducees who would have scourged him without a trial and sent him under a guard of 200 Roman soldiers to the properly constituted authority for examination under the rules of the law. Paul ever after this rejoined his friends Timothy and Titus and he never again became the member of a lynching mob.

Georgia's unenviable record as a nation's lynching state can only be changed by her citizenry who are emancipated and sworn as Grand or Trial Jurors, into their hands and the hands of an incorruptible court are reposed for sacred keeping the suppression of crime by inflicting punishment upon criminals duly convicted in

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FOOLISHNESS — SOCIAL RELATIONS A BARRIER TO PROGRESS

The Birmingham Reporter

The question of separation, and the distinction of races, as well as the social relation, are rather over-discussed subjects, and too many opinions advanced, backed up by an accumulation of foolish and unproved theories. The question of superiority in an individual should be decided by the worth of the individual to the community, State and nation. Millions of men are counted down and out because of race identity and the color of skin. It is too easy for a more intellectual race to figure individuals and races down by theory and prejudice. There are standards for manhood, and these standards are the rules by which all races and individuals should be measured.

Every man of superior qualities has greater duties than the one with less qualities.

The race farthest ahead is responsible to God and civilization for the backwardness of the less fortunate members of the human family.

No individual or race has proven its highest possibilities until that individual or race has recognized in man God's highest gift to the world, and his relation to that man or race as God's would be if both, or many races, stood before Him for judgment.

As much as we would desire to exercise leadership and power and control governments, none of us are thoroughly fit until we are able to look deeper than the skin of an individual and consider the race on its worth and possibilities respecting the opportunities offered, always regarding the individual's effort to make opportunities possible, and the ability of the person or race to grasp the chances when given.

Our view of social relation is most reckless at times, pitiable and amusing. We don't quite understand how to approach the subject and when to let it alone. As a matter of fact, it is almost out of the hands of any group to regulate social intermingling. The less it is discussed, the better off we are. No sensible individual of either race desires social intermingling. There is such a thing as social intermingling, but there is nothing like social equality in a degree that may be recognized by society or groups.

A most interesting story from Columbia, S. C., reached our office this week, reporting the condition of prisoners and a practice that has created a bit of comment. It occurred on the occasion that a Negro and a white man were chained together and headed in at the railroad station to be transferred to the prison. This caused excitement, and some of the women wept as they looked upon the picture. The dispatch makes the following report:

"If Gov. McLeod has his way, Negro and white prisoners at the State prison will not be chained together in the future. Recently there has been considerable complaint lodged with the State authorities concerning this practice. The Governor is determined to put a stop to the practice. 'It savors too much of social equality,' say the governor's friends, 'and he is going to stop the perfidious practice.' The dreadful situation reached a climax when Jack Collins, a white war veteran, was chained to a Negro, when the two men were conveyed on a railway train to the penitentiary. Some white women are said to have wept when they witnessed the degrading spectacle. Hence, one of the reasons for the governor's determination to stop the awful spectacle."

Under our rules of social relation in the South, and to this rule we all subscribe, prisoners of opposite races should not be chained or tied together, and especially is this true respecting white and black prisoners. The rule, however, should not be enforced with an idea that one felon or criminal is more to be respected, or more highly considered, than another. But the separation of races, from the beginning of time until now, has proven necessary. If they can't be bound and chained in the bonds of love and affection for one another when free to exercise the prerogatives of a man and a citizen, they should not be forced or tied together in bondage. Punishment they must have for crime committed, but neither should be submitted, or forced, to such humiliating association. No black man is at ease chained to a white man, and certainly no white man is at ease chained to a black man. If separation is the rule, we all should obey, and in prison these customs should be held inviolate just as they are when men are free. It is no honor to a white man to be chained to a black man; it is certainly no honor, or pleasure, for a black man to be

chained to a white man. Both individuals in prison is proof that they have violated some law, and with the white man's civilization of more than two thousand years' standing, he might be considered more of a criminal than the Negro of less than three hundred years from barbarism and sixty years from slavery.

The foolishness of races is a barrier to progress.

Will our people indifferently destroy a state by and without protest or resistance allow others to destroy the blessings of our liberty under the law? Then if not we must enforce the law fearlessly and impartially in open court.

Georgia is not only a notorious lynching state, but it is also notorious for the number of its murders. There was 1,201 murders committed in Georgia during the years 1920-21 and 22. One of its chief causes of this large number of murders is the common practice of carrying concealed weapons in violation of the law. The man who carries a pistol concealed is a potential criminal and if his special crime could be suppressed the number of murders in our state could be much fewer than they are.

Then too the violation of the prohibition law is a common cause for other crimes. Perhaps intoxicating liquors are the cause of from 90 to 95 % of all crimes.

The time has come when all men who value their usefulness and prize their citizenship, should not only obey the prohibition laws of the land but should see to it that others do not violate it with their knowledge. It is said that the prohibition laws Federal and State are not popular and ought not to exist. If this be true, then let the manhood of America come out in the open and fight for their abolition. Let them have the courage to vote for candidates who are not wet and who will vote in our assemblies to abolish them. Unless this is done openly and manfully, then let all good citizens stand by the enforcement of the prohibition laws which so long as the stand on our statute books are just as sacred as the laws against murder and rape. We can enforce the beneficent laws known as the prohibition laws if we will I declare that if the citizens of our State and Union who are leaders in finance, religion, politics, education and civic af-

airs the men who most need the protection of the laws will obey the prohibition law that in less than six months the business of the illicit distiller blockade runner and boot-legger will become extinct. To those who are asleep to the beneficent form of government under which we live, let me say that its downfall will never come until the individual citizen of our blessed country fails in the discharge of the great duties of citizenship reposed in him.

Crime however is unfortunately, not confined to Georgia alone. If it were our task of suppressing it would be simpler and easier, but crime is rampant all over the United States. The United States with all her freedom, her guarantees of liberty, her wealth, commerce, religion, education, and boasted civilization is the greatest criminal nations among all the civilized nations of the earth. Oh! how great a shame it is that this cause for other crimes. Perhaps

The crime population is on the increase in the U. S. The population for the years 1910 to 1922 increased 14.9% while the criminal population during those years increased 16.6%. In London in 1922 there were only 17 murders committed, all of which were solved while in the year 1921 there were 260 murders committed in New York City and 137 in Chicago. In all of England and Wales in 1921, there were only 63 murders committed. In all of France in the year 1919, that being the last year whose statistics are now available, there were 588 murders committed, whereas in only 48 of the average cities of our country, there were 1,562 murders committed. "Every hour, somewhere in the United States a man's life is taken. There were more than 9,500 'unlawful' homicides in this country in 1921. One of every 12,000 Americans is murdered every year, whereas the figure in Europe is one out of every 634,000. A prominent writer states: 'When a prospective assassin in America is about to pull the trigger, he knows that

he will have three powerful friends if he commits the deed. These three friends are Sentimentality, the New Psychology, and Technicality. So he pulls the trigger and takes his chances."

In all of France in the year 1919 there were only 121 robberies committed, whereas in only six cities of the United States there were 5,198 robberies committed during the same year. And thus indeed have we become the greatest Nation of all other Nations for crime.

It is therefore obvious that the laws against crime are not being vigorously enforced. The public conscience is asleep on indifferent to our great peril and the Juries and Courts are not doing their full duty.

The report of the Special Committee on the "Enforcement of the Law" appointed by the American Bar Association, declares that the reason why the United State is the greatest nation for crime is because of defects in the enforcement of our laws against crimes; that they lack "Celerity, Certainty and Finality." One writer asserts that the "principal reason" for crime, "is the political aspect of American Justice." That "in a recent Boston Campaign he heard all sorts of Candidates, from Congressmen down base their pleas for election or re-election on their record for getting accused men out of the toils of the police or freed in Courts."

The duty of Citizenship real service in Citizenship is doubly important.

First let the jurors do their duty both as Grand and Traverse Jurors, and let the sworn officers of the Courts do their duty and let the citizens who are witnesses do their duty and our Courts will no longer be ineffective in enforcing the law; and then let all enfranchised citizens vote for men who can uphold the laws and who will not prostitute their offices to the excusing and discharging of criminals and the supremacy of law in our country will be unchallenged by crime. The effectiveness of the enforcement of the violations of criminal laws rests in speedy trials and certain punishment.

BLACK MAN SHOTS A WHITE

MAN.

This is another case similar to the cold blooded murder committed in Screven county a few days ago by two white men who forced an old ante-bellum colored man from a sick bed out in the public road to pull their automobile out of the mire. The old man, emaciated by age and infirmity, was unable to extricate the car; and the white men proceeded to shoot him to death, cut his throat and throw his dead body in a ditch—all because the old fellow was not able to lift the car out of the mud.

So, it appears that a few nights ago a white man met a Negro man on the corner of Alabama and South Broad streets. He asked the Negro to crank his car, which had stopped, and the Negro refused to do so. The white man jumped out of the car, took the crank-shaft and proceeded to beat the Negro over the head. The Negro, in self-defense, drew his revolver and shot the white man. And it appears from the newspaper reports that the policeman arrested the Negro, committed him to jail without bond—took the white man to the hospital without preferring charges, when he was a malignant aggressor.

The officer should have made a case against both—the Negro for carrying a pistol, for he was clearly justified in shooting the white man, who was assaulting him with a deadly weapon, and a charge should have been made against the white man for assault and battery—the testimony from which these facts are established, coming from a white man—a railroad employe, who is worthy of belief.

There is too much indulgence of the white man in the commission of crime and too much prosecution of Negroes who are innocent. A Negro has the same right to protect his own body and person that a white man has. The Negro was under no obligation to crank the white man's car—he was not a slave, and had he been, the white man would not have been justified in proceeding to kill him because he did not carry out his order.

But whether the policeman acted upon the ground of color or not, we have an abiding faith in the justness of our courts in Fulton county, and if this white man is taken before the proper tribunal, he will be justly punished.

But this case reminds us so much of the ruffians who slew the old colored man in Screven county, we could not refrain from saying something about it.

BURN THE LASH!

Governor Hardwick is to be congratulated for taking a stand against further corporal punishment in the convict camps and prisons in Georgia.

If it is unconstitutional, as Attorney-General Napier seems to think, then the prison commission should be ordered to cease this practice, even though it is not forbidden by the statutes. The constitution is fundamental and supreme.

However, it should not be necessary for the prison commission to have a mandate from the governor, based upon the attorney-general's interpretation of constitutional law, to bring this archaic and barbaric practice to an end. If the law does not prohibit whipping, it certainly does not demand it; and public conscience prohibits it, and decency prohibits it, and the best interests of the state in sustaining a higher regard for her institutions prohibit it.

There can be no excuse for whipping convicts in order to maintain discipline. The federal government, in its penal institutions, spent thousands of dollars in carefully, cautiously and systematically determining the best methods for maintaining discipline, and established the fact that the enlargement and curtailment of prison liberties served the end more effectively than any other.

The Georgia prison commission should not undertake to fall back upon some future court interpretation of the constitution before it will stop a practice that every impulse of manhood revolts against.

Georgia.
DARK AGES OF GEORGIA
ARE VIVIDLY RECALLED

Asking hard questions has become a characteristic of the Atlanta "Constitution." "What is to be done to check the trend toward barbarism among an irresponsible element that is bringing Georgia's name in disgrace throughout the country?" is the latest question it has propounded, and it is some question, believe us. If Georgia cannot solve her mob-rule problems, she can't expect the rest of the country to find the remedy. "Newspapers throughout the country are pointing to Georgia as the hot-bed of mob violence", declares the paper that ranks as the most reliable printed South of Mason and Dixon's Line, yet we do not recollect any Northern paper that has been half as vehement in proclaiming Georgia's disgrace as has the "Constitution."

Not long ago the North offered its aid in controlling the lynch evil in the South. Despite their strong prejudices against the interjection of Federal power in what ought to be a purely state affair, Northern Senators and Congressmen supported a bill to make lynching a Federal offense, but a persistent filibuster was conducted against the bill by Southern members, with the result that the measure was abandoned in order that urgent legislation might be passed. If, now, the South finds its own authorities powerless to stem the tide of violence, certainly the evil cannot be attributed to any want of willingness to aid by other sections of the country. Federal jurisdiction over lynching ought to be a last resort only, but, judging by the discouraging utterances of the "Constitution", that is the only hopeful remedy. Says that paper of a recent outrage:

"Here in Screven county on Saturday night an inoffensive old negro by the name of Andrew Jones—an ex-slave who had lived in the home

of his birth for 70 years and who was known far and wide as the embodiment of gentility and politeness—a typical product of the old south who stood with unswerving loyalty by his master in the days of stress, and refused to leave when emancipated, thus devoting his life to the generations that followed, always helpful and always faithful—was barbarously murdered by two white men, whose names are known, his body cut into slices and thrown into a puddle of water, and all without the slightest provocation other than the inflamed passions of two whisky-soaked brutes.

The old negro was sick in bed with influenza. He was called at night by those two brutes to extricate their automobile from the mud near his cabin. He responded, though too ill to do so. Bowed with the natural infirmities of his advanced age, and weakened from the disease that gripped him, he could not remove the car. The brutes became enraged. He was shot through the back of his head, and his body was then sliced to pieces with a knife, and thrown into a pool of slush.

Can one grasp the horror of such a crime, so unprovoked, and then help from wondering if at least some of our people are not drifting into a state of barbarity?

There must be a stop to this sort of business. The good name of Georgia demands it. Civilization demands it."

That particular case probably would not come within the provisions of the anti-lynching bill, but we hope the "Constitution" will at least give the proponents of the bill credit for good motives and a desire to be helpful in a desperately bad situation.

MACON'S CRIME REPORT

FOR 1922 IS COMPLETE
Increase of 262 Arrests in Period
Shown in Statement to be Submitted to City Council.

1-4-23

Is Macon better or worse?

City council will decide for itself tonight when Paul Stanfield, clerk of recorder's court, submits the annual police report showing an increase of 262 arrests in the past year and a decrease of \$7,819.68 in cash turned into the city's treasury during 1922 as compared with 1921.

The report, finished yesterday, shows that there were 4,788 arrests made during the year by the police and detective departments, of which 2,189 were whites and 2,599 were Negroes. The 1921 report shows 4,526 arrests of which 2,066 were white people and 2,460 were Negroes.

An increase of \$14,974.23 is shown in the report under the heading of amount of stockade sentences served. The amount in cash equivalent of stockade sentences served in 1921 amounted to \$5,370.72, while last year the amount jumped to \$20,844.95.

Police Report Completed.

The police report for the month of December, 1922, which was also finished yesterday, showed a total of 487 cases docketed.

Ninety-two cases charged drunkenness, 63 speeding, 30 loitering, 82 violations of the lighting ordinance and 68 cases of disorderly conduct.

Of the 487 cases in recorder's court for December, 139 were dismissed. Two hundred and sixty-one white men and nine white women faced the recorder, and 185 negro men and 32 negro women were tried. The receipts for the month totaled \$1,776.70 turned into the city treasury with the cash equivalent in stockade sentences amounting to \$700.

Six Months in Mines

For Heinous Crime
Of Stealing Turkey

Anniston, Ala., January 28.—(Special.)—Andy Jackson, De Armanville negro, was sentenced to serve six months at hard labor following his plea of guilty in the county court Friday to a charge of stealing a turkey hen last week from Frank W. Hobson, of near De Armanville.

Mose Traywick, a white man, was charged by the negro with having sold the turkey to an Anniston man after it had been delivered to him by the negro but the case was dismissed by Judge Coleman, who heard the evidence and sentenced the negro to serve six months in the mines.

ROME JUDGE CREATES SENSATION BY CHARGE

Rome, Ga., January 8.—(Special.) Delivering his usual anti-whisky, anti-gambling and anti-speeding charge to the grand jury in Floyd superior court this morning, Judge Moses Wright included some sensational statements in regard to the course he intends to pursue hereafter in the punishment of persons convicted in his court on any of these three charges.

Judge Wright declared that he will not encourage the unfairness and injustice of punishing offenders who are poor or of no influence by putting penalties on negro crap shooters who are rich or influential gamblers who are arrested. Bridge-whist players, poker players of high standing who play cards with a "ceiling limit," and auto owners who violate the speed laws, he said, are the ones he is after.

He gave notice that any person convicted in his court of exceeding the speed laws will get a jail or chain-gang sentence instead of a fine and stated that notice of this having now been given the speeders can govern themselves accordingly.

CONVICTS COST 71 CENTS PER DAY IN WORTH COUNTY

Sylvester, Ga., January 20.—(Special.)—The records of the office of Worth county commissioners show expenditures for the year 1922 as follows: Chain-gang, \$34,037.33; city court, \$4,368.10; ordinary's court, \$147.86; superior court, \$9,719.80; general fund, \$34,478.36; public buildings, \$2,926.77; roads and bridges, \$22,250.45, making a total of \$97,928.67 for the year.

The average cost per day of feeding convicts and guards was 32 cents. The sheriff was allowed 60 cents per day for feeding prisoners in jail and 60 cents for turnkeys. The average cost of clothing the convicts was \$5.19 per year, or 15 cents per day, and added to the 32 cents for feeding makes a total cost of 47 cents per day for feeding and clothing convicts.

The average cost for guarding convicts was 24 cents per day per man. This makes a total cost of 71 cents per day for feeding, clothing and guarding each convict in Worth county for the past year.

Boy's Sentence to Hang Is Respited

Roscoe Allen, 17-year-old negro boy sentenced to be hanged in the Fulton Tower Friday for the murder of Ollie Carlton, a white youth, has been respited until February 23 by Governor Hardwick. This is the second respite that has been granted Allen. His attorneys, Murphy M. Holloway and Major Joel B. Mallett, are making a hard fight to get the sentence commuted to life imprisonment.

GOVERNOR ISSUES ORDER PREVENTING CONVICT WHIPPING

Action Is Taken Following Prolonged Agitation in Opposition to Practice in State.

2-25-23
**CONSTITUTION FORBIDS
LASH, SAYS GOVERNOR**

Step Is Taken Largely as Result of Activities of Committee on Church Co-operation.

Expressing the opinion that flogging of prisoners is contrary to the constitution of Georgia, Governor Hardwick Saturday signed an order abolishing the use of the whip to discipline convicts in this state.

Action of the governor in prohibiting the lash as an instrument of punishment for prisoners followed prolonged agitation in opposition to the practice.

Governor Hardwick, in giving his reasons for the anti-flogging order, declared that if the constitution forbids the courts to impose flogging as a punishment for crime it surely forbids the officers or agents of any executive department of the government to inflict whipping as a part of the punishment.

Presented Brief.

Through a sub-committee headed by Charles N. Walker, the committee on church co-operation presented to the governor several months ago a legal brief purporting to show that the provision of the constitution which forbids whipping as a punishment for crime is also applicable to whipping as a means of discipline in carrying out a punishment for crime.

The brief was submitted by the governor to Attorney-General Napier, who took the position that whipping is contrary to the spirit of the constitution. The matter was then laid by the governor before the prison commission, which suggested that a test case

be brought in the courts to settle the question as to constitutionality.

Wanted Rule Changed.

The law governing convicts and prison camps provides that the camps shall be operated under rules prescribed by the prison commission and approved by the governor. Whipping, as a final resort, is allowed in rule 12 of the commission's rules made in 1905 and approved at that time by the governor.

Each governor is not required to review the rules, but only to approve a new rule or a change in an old rule, the prison commission contended. The commission proposed to change rule 12 to specify that no prisoner should be whipped while away from the camp or without the presence of the county physician. The governor then sought the advice of the attorney-general again, whereupon the attorney-general held that under the law the governor is authorized at any time to disapprove any rule of the prison commission relating to the operation of convict camps and prisons. It was following that opinion that Governor Hardwick decided to issue the order he signed Saturday.

Manget Is Pleased.

John A. Manget, member of the prison commission of the committee on church co-operation, declared that news of the governor's action would be received with much pleasure by members of the commission and other Atlantans interested in prison welfare work.

"Governor Hardwick has been very much interested in the proposal to abolish the use of the whip in prison camps since the opposition was first expressed to him," Mr. Manget said, "and he not only seemed to think the practice brutal and wrong in a moral sense, but intimated from the first that if he found he would be within his legal rights to abolish the practice he would do so."

Charles N. Walker, chairman of the prison commission, could not be reached for a statement Saturday night.

Order of Governor.

The order, in full, follows:
By the governor:

On February 6, 1922, the prison commission of Georgia submitted to me the following suggested amendments to the rules for the government of the inmates of the Georgia penitentiary, to-wit:

The prison commission having under advisement an amendment to their rules, the following amendment was adopted: Amend rule 12 by adding to the third paragraph the following:

Provided, no punishment by whipping shall be administered except at the camp and with the approval of and in the presence of the camp physician.

Section 1199 of the code of Georgia, volume 2, provides:

Powers and Duties of the Commission—All convicts, whether sentenced for felony or misdemeanor crimes, and all convict camps, shall be under the direct supervision of the prison commission, which shall provide rules and regulations for the management, discipline and control of said convicts, and of said convict camps, subject to the approval of the governor. The commission shall have complete management and control of the state convicts; shall regulate the hours of labor, the manner

and extent of their punishment, the variety and quantity of their food, the kind and character of their clothing, and shall make such other rules and regulations as will assure their safe keeping and proper care.

In an elaborate opinion, of date February 9, 1922, the attorney general of Georgia holds, in substance, that under the above-cited provisions of the law, all the rules and regulations of the prison commission for the government of the inmates of the Georgia penitentiary are subject at all times to the approval of the governor, and cannot exist without his approval.

The constitution of Georgia, article 1, section 1, paragraph 7, provides: Neither banishment beyond the limits of the state nor whipping as a punishment for crime shall be allowed.

Violation of Law.

After careful examination of the constitutional questions involved and a careful consideration of the opinion of the attorney general of Georgia in relation to such questions, I am convinced that to allow the prison commission of Georgia, through its wardens or other officers, to inflict flogging or whipping as a part of the prison discipline in the execution of sentences imposed for crime, violates not only the spirit, but practically the letter of our constitutional provision above cited.

Prison or penitentiary discipline is merely a method of securing the execution of the sentence of the law, a compliance with which is a necessary part of the sentence.

If the constitution forbids the courts of the state to impose flogging as a punishment for crime, surely it likewise forbids the officers or agents of any executive department of the government from inflicting flogging or whipping as a part, although incidental and indirect, of the punishment. What the highest courts of the state are not permitted by the constitution to do cannot be done by executive officers. If whipping is prohibited by law as a direct punishment for crime itself, it may not be inflicted by law as a part of the discipline for breach of prison or penitentiary rules, which undoubtedly includes the laws.

Held Unlawful.

In other states, whose constitutional provisions are similar to those of Georgia, it has been held that the prison authorities cannot lawfully inflict flogging as a part of prison or penitentiary discipline.

Being convinced that the above is the true and correct view of our constitution, and being under oath to preserve, protect and defend that constitution, I cannot give my consent to any rule or regulation of the prison commission which authorizes whipping or flogging to be administered to the inmates of the Georgia penitentiary system, and I therefore dissent from rule 12, or any modification thereof, so far as the same authorizes or permits the wardens or any other officers, agents or servants of the prison commission of Georgia to inflict whipping or flogging upon any convict confined in the penitentiary of the state or chain-gang of any county of the state, and all rules and regulations heretofore made or now existing which authorize or permit such whipping or flogging are hereby abolished and annulled, so far as the approval of the governor thereto is required in order to give them validity.

Let this order be entered upon the executive minutes, and a copy thereof, under seal, be sent to the prison commission of Georgia.

(Signed) THOMAS W. HARDWICK,
Governor.

This February 24, 1923.
By the governor:

MYRTLE WHITE,
Executive Secretary.

HARDWICK TO END CONVICT WHIPPING IF HE HAS POWER

Attorney-General Asked

to Decide Whether Governor Can Lawfully Change Prison Regulations.

Ultimate settlement by Governor Hardwick of his part in the controversy over the whipping of prisoners in the convict camps of the state will depend upon a ruling upon a point of law, which has been asked of the attorney general. This was made clear by the governor on Saturday. At that time he made the first positive statement as to his intentions in the matter. He said that if it is held that the authority to end the use of the lash rests with him he would immediately ban such punishment.

On February 6, in a conference on the subject with the state prison commission, the commission took the stand that, under the act of 1905, providing that the commission should make rules which, when approved by the governor, should be effective and controlling, the law did not contemplate approval of all rules by each succeeding governor, but only by the governor in office at the time the rule is first adopted. They, therefore, hold that the whipping rule has been approved by the governor at the time it was put in force, and that the only questions rightfully to come before Governor Hardwick would be changes or alterations in the rules.

It is this point of law which Governor Hardwick has referred to Attorney General Napier. If that official sustains the commission, the matter will end, but if it holds that the present governor must approve all rules and regulations in force, the governor will immediately issue an executive order barring the further use of the lash in Georgia convict camps.

Since the conference with the prison commission on February 6, a number of communications have been received at the governor's office, all taking issue with the position of the prison commission on the whipping question.

An opinion on the point at issue is expected from the attorney general during the coming week.

Young Man Knifed By Negro He Jostled

Felix Alexander, a young man stopping at a local hotel, was in Grady Hospital Tuesday with a deep knife wound in his back inflicted, according to police reports, by an unidentified negro into whom he had jostled on the street. The negro fled.

SAM SMALL JARRED BY ELDERS' DEFENSE OF LASH IN GEORGIA

BY SAM W. SMALL.

Even now and then one gets jolted sharply by some novelty of a notion or some gross error of the human mind.



The latest that

has jarred me is the letter of Representative H. H. Elder, printed in The Constitution of the 30th ultimo. In it he gives his opinion, "as a lawyer of this state," that the attorney-general and the governor are legally wrong in holding that the whipping of convicts is against the constitution of the state.

Sam W. Small. Evidently he bases his opinion upon the law giving the prison commission authority to make rules for the government of the state's prisoners and that thereby a rule permitting the whipping of convicts is against the constitution of the state to the contrary notwithstanding.

At the risk of being bawled out as a Butinsky I will here and now volunteer to tell Representative Elder to "come into court and stand him up against the constitution and the facts in the case."

The Why of Prohibition.

While the convention was in session and making our present constitution the state was ripe with scandals about the convict lease system and the reported cruelties inflicted upon prisoners by the brutal employees of some of the lessees. (Shortly after these same scandals led to the killing of Colonel Bob Alston, representative from DeKalb county, in the state treasurer's office in the capitol by Captain Ed Cox, and for which Cox was convicted of murder in Fulton superior court.)

The feeling of indignation over the convict scandals led General Toombs to insist that a prohibition should be put upon the lashing of convicts by incorporating in the new constitution the prohibition in the old constitution of 1868.

That prohibition was "Section 22: Whipping, as a punishment for crime, is prohibited." General Toombs recast the section of 1868, making the prohibition as it now stands in the present constitution, viz.:

"Paragraph VII.: Neither banishment beyond the limits of the state, nor whipping, as a punishment for crime, shall be allowed."

Such is the plain, unmistakable and inescapable mandate of the supreme law of the state, as I pointed out many months ago in the article in The Constitution that revived the agitation for the action by the governor so recently taken to banish the lash from our convict camps and prisons.

What About the Governor?

The governors of Georgia from 1868 to this year of grace 1923 have ignored that constitutional mandate, notwithstanding that every one of them solemnly swore, on taking office, "that I will faithfully execute the office of governor of the state of Georgia, and will, to the best of my ability, preserve, protect and defend the constitution thereof, and the constitution of the United States of America."

Saying nothing as to the laches of his predecessors, what could Governor Hardwick offer as an excuse for refusing to enforce the constitution when appealed to, as he was, to apply the supreme law to this whipping lawlessness?

He appealed to Attorney-General Napier and that learned and conscientious law officer of the whole people told him truthfully that it was his duty to uphold the constitution.

The governor has so ordered and by doing so has erased a foul bar sinister from the escutcheon of the state and brought upon himself the commendation of just and humane men and women in the state and from far beyond the borders of it. It gave me pleasure to thank him for his really brave and consistent action.

Something Else Yet!

Representative Elder says in his letter that "there is one sentence only in the state constitution that forbids a citizen of this state from being banished out of the state or whipped for the commission of a crime."

Well, isn't that one sentence plenty? How many times in a constitution must a prohibition be repeated in order to make it binding?

Also, what interpretation does Representative Elder give to Paragraph IX. in Section I. of Article I. of the constitution, which says: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted; nor shall any person be abused in being arrested, whilst under arrest, or in prison?"

That seems to me to re-enforce the anti-whipping prohibition in Par. VII very strongly.

The Commission's Authority.

Representative Elder thinks that because "for twenty-five years there has been a law in this state giving the prison commission the right to fix these rules," therefore, the right and sworn duty of the governor to set aside such of them as are clearly unconstitutional must and can be successfully contested. But what about the governor's oath "to preserve, protect and defend the constitution?"

The prison commission is not a constitutional body. It is purely a legislative creature. It can have no greater authority than the legislature can constitutionally confer upon it, and the legislature itself is absolutely powerless to change or suspend the constitution of the state.

Art. I. Section IV., Par. II of the constitution says: "Legislative acts in violation of this constitution, or the constitution of the United States, are void, and the judiciary shall so declare them."

If the judiciary must declare acts in violation of the constitution to be void, so must the governor, since the executive is a co-ordinate branch of the government and bound by a like oath with the judiciary to protect and defend the constitution.

That Threatened Resistance.

Says Representative Elder: "I did say that he (the governor) was wrong and had no law to support him and we should pay no attention to his illegal order."

That simply means resistance to superior authority, rebellion, or secession, or anarchy, as anyone may choose to characterize it.

It flies in the teeth of everything that from the foundation of governments in America has been accepted as constitutional duty.

In Story's "Commentaries on the Constitution," Vol. I, page 303, it is declared as settled doctrine that—

"No right exists or is supposed to exist on the part of any town or county, or any organized body within the state short of the whole people of the state, to alter, suspend, resist, or disown the operations of its constitution, or to withdraw themselves from its jurisdiction."

And, that's that!

TWO MEN CHARGED WITH ASSISTING CONVICT ESCAPE

Dominick Didato and Abe Silverstein Are Located and Placed Under Arrest in New York.

Atlanta
**PRISONERS WILL FACE
TRIAL IN ATHENS, GA.**

Federal Authorities Believe That Capture of Chapman Will Be Effected in Near Future.

The Atlanta Constitution
Within two hours after their indictment on charges of having aided Gerald Chapman, million-dollar mail robber, in his escape from an Athens hospital on April 4, Dominick Didato and Abe Silverstein were arrested in New York City late Friday afternoon by department of justice agents, according to announcement by Lewis

J. Baley, agent in charge of the Atlanta bureau of investigation of the department of justice. *4/11/23*

Federal authorities announced that they plan to bring Didato and Silverstein from New York immediately and place them on trial in the United States court at Athens on Monday, April 23.

Chapman is believed by authorities, they said, to be still in or near Athens. His capture will be effected soon, it is thought. Chapman was wounded in being recaptured after his spectacular escape from the Atlanta federal penitentiary, where he was serving a 25-year term for engineering a million-dollar mail robbery in New York. He was under treatment for three bullet wounds when he escaped from the hospital.

Traced to New York.

Didato and Silverstein were traced from Athens to New York the night Chapman disappeared from the hospital, according to Mr. Baley. During the day of the getaway, it was stated, the two men frequented the Georgian hotel in Athens, where Didato registered as J. Karuse, of Boston, and Silverstein registered as Abe Cohn, of New York.

They were said to have been seen riding around Athens that day in company with a woman who is declared to have given the authorities valuable information concerning them. It was known that Miss Cora Lee Ramey, a student nurse at St. Mary's hospital, from which the bandit escaped, was an important witness for the government before the grand jury. But it has not been disclosed as to whether or not she was the woman who figured in the automobile ride.

The two men were the only ones indicted in the investigation of the escape. The bills charged them with having conspired to aid and abet Chapman in his escape.

Witness Questioned.

Another witness examined by the jurors was M. S. McCarty, Chapman's guard at the hospital. The grand jury inquiry consumed two days.

Agents of the department of justice were told in Athens that when Silverstein and Didato arrived there they pretended to be narcotic addicts who desired to consult a specialist in that city as to treatment for the drug habit.

Didato has served a term in the federal penitentiary here for selling narcotics in violation of the Harrison act, according to the department of justice. Silverstein is said to have a prison record in New York. Didato, it is alleged, is also known as Peter Rosen and John Karuse.

The exact manner in which Didato and Silverstein assisted Chapman in his escape was not divulged by agents assigned to the case.

Make Escape.

Chapman and Frank Gray escaped from the Atlanta federal prison shortly before daybreak on March 27. They were inmates of the prison hospital, in an upper story. About 4 o'clock in the morning they bound and gagged John E. Scott, prisoner-nurse who was asleep in an adjoining room. Making two ladders by tying sheets together the prisoners reached the ground, short-circuited the electric wires to throw the building into darkness for several minutes, and scaled the high concrete walls surrounding the prison yards by means of a ladder supposed to have been provided by confederates on the outside.

After changing from their prison garb to white sweaters and dark trousers provided by their confederates, Chapman and Gray went to the home of W. H. Edwards, in Lakewood Heights, a suburb near the penitentiary. There they tried to bribe Edwards, he told the police, by offering him \$1,000 to hide them in his home. Upon his refusal to comply, he was threatened with death if he made an outcry. Mrs. Edwards, overhearing the conversation, went to the assistance of her husband, and she, too, was threatened with death.

The prisoners then took Edwards with them, boarded a street car into Atlanta, covering their trail so well that the police were unable to trace them, although Edwards, who was permitted to leave the car before reaching the city, hurried to the police with the story of his experiences.

Chapman Is Wounded.

The next the authorities saw of Chapman was when he and Gray were recognized by Athens officers. Chapman was severely wounded in a pistol fight when an attempt was made to arrest him.

Chapman is 35 years old, and is believed by the authorities to have a large portion of unrecovered loot hidden away somewhere.

Gray, Chapman's companion in the escape, was recaptured in the Athens fight and returned to the Atlanta prison.

Several days ago hospital attaches reported the alleged discovery of Chapman, in an exhausted condition, in the hospital basement and his alleged third getaway. Federal agents place little credence in the story, according to Mr. Baley. Two nurses and a guard in the hospital who related the story, insisted that the person found hiding in the basement who later got away was the fugitive, agents said, but the story was not regarded as plausible, they said.

AS TO REVOLVER LAWS.

The Atlanta Constitution
Due no doubt to the wave of crime that is sweeping over the country, which in turn is largely caused by bootleg liquor and the illegal carrying of pistols, there is a tremendous sentiment crystallizing for stricter and more uniform laws dealing with the sale and possession of pocket firearms.

The fundamental purpose of any law regulating the sale, possession and use of pistols and revolvers should be three-fold—

1. To make it as difficult as possible for criminals to obtain and personally dangerous for them to use weapons of this character;

2. To stop as far as it can be stopped, the unauthorized carrying of such weapons on the person;

3. To place no undue restrictions in the way of the law-abiding citizen who desires to keep a pistol or revolver in his home or place of business for the protection of life or property or for other proper uses.

Laws that are unduly arbitrary or revolutionary generally create a feeling of rebellion, and in that extremity they operate to the disadvantage of the citizen for whose benefit and protection they are enacted, and in favor of the criminal at whom they are aimed.

A federal law preventing the manufacture and sale in this country of pistols would start another most remunerative business in smuggling, and every time that one law is flagrantly violated the whole code of laws becomes correspondingly weakened.

Aside from the police and certain other peace officers, any person in civil life who desires to carry such a weapon on his person should be required to procure a license to do so.

Such licenses should be granted by designated authorities only upon the presentation of convincing evidence of necessity and of the good character of the applicant.

In all cases where a weapon of this description is carried without a license a severe penalty should be imposed.

What Georgia needs, and what almost every state needs, is a more rigid enforcement of the existing laws against pistol carrying; and certainly no sane, reasonable minded person who has respect for law will object to a state law that positively takes the concealed pistol out of the pocket of an irresponsible person. Indeed it should be taken out of the pocket of every person who is not a constituted guardian of the law.

The following regulations have been suggested by an association formed for the purpose of curbing the carrying of pistols:

"None but citizens, personally known, or properly identified to a licensed dealer in firearms, are permitted to purchase pistols

or revolvers. A record or sale must be filed with the police.

"No pistol or revolver may be delivered to the purchaser until the day after the sale.

"Owners of such firearms are not permitted to carry them on their persons or in a vehicle without a license from the police.

"Dealers are not permitted to display pistols or revolvers, or imitations thereof, where they can be seen from the outside of the store.

"Possession of a pocket firearm by a person committing or attempting to commit a felony, is regarded as prima facie evidence of criminal intent, and is punishable by a mandatory sentence of five years' extra imprisonment.

"Heavy penalties are prescribed for second and third offenders. Fourth offenders may be sentenced to life imprisonment.

"Manufacturers' serial numbers or other identifying marks on pistols or revolvers must not be altered or erased.

"Aliens and persons who have been convicted of a felony are not permitted to possess a pistol or revolver."

This seems to be in general a sensible schedule. It should be amended, however, that no civilian who is not charged with law enforcement, or may otherwise be legally vested with arresting authority, shall carry a pistol on his person under any circumstances. And at least no license issued by the police should be valid until approved by the sheriff of the county, and by the solicitor general of the judicial circuit.

Brooks Convicts Can Buy Freedom Captive Charges
Wanda Constantine
Renfro Postoffice Bandit 19 Caught After Flight to Oklahoma
4-10-23

Charges that many convicts, imprisoned in the county camp of Brooks county, had bought their freedom there by the payment of \$25, were made in an affidavit received at the office of Governor Hardwick Monday. The affidavit was made by Mason Owens, now under arrest in Oklahoma by the federal authorities, and who will be returned to Georgia for trial on the charge of robbing the store and postoffice at Renfro.

In a letter accompanying the affidavit, Sheriff Ledbetter, of Muscogee county, Oklahoma, states that three men are being held there for the postoffice robbery and that two of them have confessed their part, also implicating the third one. The three are Mason Owens, Albriston Edwards and Charles Burch. Owens and Edwards are said to have confessed.

In his affidavit, Owens says that he and Edwards were sent to the Brooks county chaingang in November, 1922, to serve six years on the charge of burglary. He says that soon after their arrival there they were approached by a convict named Will Rogers and told them they could leave, if they wanted to, for the sum

of \$25. He then recites how Edwards escaped about January 15, 1923, and how he and a negro, Benn Catts, serving a life term, escaped in February after the negro had given \$50 to the son of the warden.

Examination of the records at the prison commission's office in the state capitol, shows reports of these three escapes as given, but do not show any other escapes, which are referred to in the affidavit as numbering "16 or 20 within a few months."

A. L. WHITE, A WHITE EX-CONVICT, CRITICIZES UNDER OATH THE MANAGEMENT OF THE STATE PRISON FARM AT MILLEDGEVILLE, GEORGIA.

The best thing to do at the State Prison Farm at Milledgeville, will be to do away with R. A. Davison, chairman of the Prison Commission, and B. H. Dunaway, superintendent, for the reason that John S. Williams, a first cousin to Dr. Compton there, is absolutely running the farm. The Prison Commission furnishes John S. Williams a buggy to supervise the farm, and he is in complete charge of it, and Clyde Manning, the partner of John S. Williams in crime, is in stripes and double shackles; but John S. Williams who planned the murders that Clyde Manning committed, takes his meals with the superintendent of the farm, rides around in the buggy furnished him and is not in prison stripes. Please do away with R. A. Davison and B. H. Dunaway, they are not needed. They have a superintendent in John S. Williams, because he runs the whole thing.

One day Williams came into the blacksmith shop where I was working and told me to do what he told me to do; that B. H. Dunaway has nothing to do with it as long as I am down here."

For God sake, tell the people of the United States to please get some water down there. I was there eight months and never drank a drop of clear water while I was there. The sanitary conditions of the farm are bad. The water supply is insufficient, and half of the time the convicts have not a sufficient supply of water to drink. The water facilities do not furnish enough water to give the convicts a bath once a week. It is generally muddy, full of wiggle-tails and unfit to drink. The bread does not need any soda to make it yellow, because it can be made yellow

enough by the muddy water that comes from the creek. The good health of the inmates is greatly endangered by reason of the bad and insufficient water supply.

The Governor has rendered both a great service by abolishing the lash, but the Governor will not do his full duty and render the farm the greatest service until he dispenses with the present chairman of the Prison Commission and superintendent, who have turned all their duties over to John S. Williams, who gives the convicts direct orders and tells them he is in charge and they need not apply to B. H. Dunaway, the superintendent, for instructions so long as he is there.

To Whom It May Concern: This is to certify that the Electoral College of the Atlanta Georgia Annual Conference of the A. M. E. Church will convene in Jonesboro, Ga., May 8th, 1923, and not on the 15th. Those concerned take due and timely notice and be so governed.

D. R. Fobbs, Sec.
J. S. Flipper, Bishop

STATE OF GEORGIA,
COUNTY OF FULTON:

Personally appeared before me, an officer duly authorized by law to administer oaths, A. L. White, who, on oath, deposes and says that on the 8th day of August, 1922, he reached the Prison Farm at Milledgeville, Georgia, to serve a sentence of eight months, imposed by Judge Calhoun of the City Criminal Court, for violation of the prohibition law.

Deponent further says that he served the eight months and was relieved from the farm on the 19th day of April, 1923; that the above statement made by him for publication in any newspaper that will carry it is the truth and nothing but the truth, and that he makes this statement voluntarily at his own will and pleasure; that he has no prejudices against anybody, but makes this affidavit that the public may be informed and know just what the conditions are at the farm, and for the benefit of those who are still there; that he feels

that the farm should be superintended by free men who are capable and are humanitarians at heart and not by John S. Williams, who is a murderer eleven times, according to the record in Jasper and Newton Counties.

A. L. WHITE,
128 Luckie St., Atlanta, Ga.
Sworn to and subscribed before me this 23rd day of April, 1923.
Ola M. Walker,
Notary Public, Georgia,
State at Large.
Advertisement.

PR CONVICTS FAMILIES, PLAN OF HARDWICK

Governor to Urge Bill in Message to Next Georgia Legislature.

The Atlanta Georgian
May 1, 1923

A system for paying the families of convicts for the services of the prisoners on the highways or elsewhere in Georgia will be urged by Governor Hardwick in his message to the next Legislature, the Governor announced Monday.

"I have become convinced that some means should be devised for taking care of the families of convicts," Governor Hardwick declared. "There have been called to my attention instances in which women and children were actually starving while the heads of the families were serving sentences for crimes in which the families, of course, had no part. It is wrong to penalize the innocent and helpless in this manner."

The Governor stated that he had been moved to grant clemency in cases where there was some doubt about mercy being deserved, solely because of the suffering that families were undergoing.

"No man with a heart wants to penalize the innocent," he stated. Governor Hardwick has not worked out a definite plan for aiding the families of convicts, but he is studying the systems that have been adopted in many other states. It is his idea that the state should keep out enough of the proceeds of a man's labor to pay for his upkeep, and turn the remainder over to the families of married men. In the case of a single man, he thinks the surplus should be paid him when he completes his sentence, in order to tide him over until he can find a job and prevent the temptation to renew a life of crime.

BAKER IS REMOVED AT MIDNIGHT HOUR TO AVOID VIOLENCE

Sheriff and Eight Deputies Whisk Prisoner Away in High-Powered Automobile to LaFayette.

Rome, Ga., April 27.—George Baker was whisked away from Rome, Ga., at 12:05 a. m. Friday morning for LaFayette, 45 miles away, in a high-powered car with Sheriff R. E. Wilson and eight deputies to avoid the possibility of mob violence early Friday morning.

Feeling ran high in Rome Thursday night, it was reported. The sheriff decided to take Baker through the country, rather than board the train at 6 o'clock in the morning. A heavy guard was thrown about the car until it got several miles out of Rome.

Ralph Baker, begging to be taken with his brother, was left in the Rome jail. Baker seemed to be composed. He showed almost no signs of nervousness.

At first it was the plan of the sheriff to send his deputies alone, but responding to the pleas of Baker's mother, he accompanied the party.

Rome was ablaze with gossip Thursday night. Currents and counter-currents swept up and down the street. But when Baker was taken from the jail, there were only a half dozen men in the vicinity, three of them being newspapermen and the others silent onlookers. The car got away to a quick start. Nobody followed it.

Baker is scheduled to be hanged today between the hours of 10 and 4. His parents and members of the family were to leave on the 6 o'clock train this morning, via the Central of Georgia, railway, with the exception of George Baker's wife. She elected to wait until the late afternoon, when death shall have closed her husband's career.

In a last desperate effort to save life of George Baker, attorneys for the condemned man last night went before Judge Moses Wright with a motion for a stay of execution, setting

out that Baker would have to be re-sentenced before he could be legally hanged.

The judge heard the motion at his home, considered it for a time, and finally conferred over long distance telephone with Governor Hardwick in Atlanta. He later denied the motion.

Late tonight, there was desultory discussion between attorneys interested in the case of an appeal to the governor for a lunacy commission to look into Baker's sanity, but neither the lawyers nor the relatives of the condemned man are building any hopes on this scheme.

All day long, the Floyd county jail has been thronged with morbidly curious people, most of them actuated only by a desire to see the now famous brothers.

The mother, father, sisters and brothers of the pair and the wife of George Baker were at the jail continuously throughout the day. They made their farewells to the condemned man at 10:30 tonight, although it is expected that all of them except his wife will accompany him to LaFayette tomorrow afternoon.

Agony of Farewells.

The farewells between the man who must hang and his loved ones moved even hardened jail attaches and newspaper men. The mother's agony was distressingly apparent. The father is apparently too stunned to realize actually what is about to take place.

The man himself is apparently more calm than he has been for several days past. Hope has now given way to a certainty that he must die and he is apparently settling himself for the ordeal. Ralph, the younger brother, is much nearer a collapse than is the condemned man. He said today that he preferred to die with his brother on the gallows. He claims that his brother is innocent, as he himself did the killing.

In talking with newspapermen and Salvation Army Captain Horgan, this afternoon, George Baker said:

"Of course, it doesn't matter now, that they are going to hang me, but I never killed him, and am as innocent of murder as you are. It is harder on the old folks and Ralph here, my wife and the others, than it is on me.

"I feel better today than I yesterday and believe that I will face the last of it like the man the folks want me to be. There have been many who have come to see me, and lots of people have tried to help me and I want to thank them," he continued.

Leave Rome Friday.

Sheriff Harmon, of Walker county, is in Rome tonight, and announced he was planning to leave here for LaFayette with George Baker in custody about 6 o'clock Friday morning, arriving in LaFayette about 9 o'clock. He said the hanging would take place between 10 a. m. and 2 p. m.

Sheriff Harmon said he received a telegram from Governor Hardwick this morning before he left LaFayette officially notifying him of the commutation of Ralph Baker's death sentence to that of life imprisonment, and declining to interfere with the orders of the court in the case of George Baker.

Although there has been no hanging in Walker county in 32 years, the sheriff stated that when the new county jail was built several years ago a regulation scaffold was built. He says that before leaving LaFayette he inspected the outfit and found it to be in perfect condition.

George and Ralph Baker were convicted of the murder on March 18, 1922, of J. W. Morton, an aged deputy sheriff of Walker county. They fought the case through all state tribunals, losing every decision.

Finally the case was carried before Governor Hardwick on a plea for executive clemency, the prison commission having previously recommended a commutation to life imprisonment for Ralph Baker, but declining to interfere in the case of George Baker. The governor followed the recommendations of the prison commission in rendering his decision.

NURSE IS RELEASED

Miss Mary J. Wiedman Out on Bond.

Atlanta, Ga., May 15.—J. Wiedman, of Ypsilanti, Mich., who arrived here Saturday, obtained the release today of his sister, Miss Mary J. Wiedman, former nurse, who was held here on a charge of violating the Harrison narcotic act.

Wiedman and his sister left on a late train for Michigan. Miss Wiedman had been a woman of mystery for several weeks. She was taken into custody at the terminal station when detectives observed her masquerading as a negro woman, her face having been painted black. On her person they claim to have found a large amount of cocaine.

Last Monday the woman collapsed when she was placed on trial in federal court and she has been in a hospital ever since.

JOE RUFFIN IS FREE.

Wins Vindication in Three Murder Trials.

Savannah, Ga., May 30.—After a long trial in which three charges of murder were brought against him, Joe Ruffin, a negro, has been released a free man.

Ruffin's troubles started in April, 1919, when there was race riot at a country church in Jenkins county. Several men were killed and a son of Ruffin was lynched there. Ruffin was arrested and carried to jail in Augusta. He secured a change of venue and was tried in Chatham superior court, charged with killing S. T. Stephens, a night patrolman of Millen. He was convicted and sentenced to be hanged. He was granted a new trial and acquitted. He was then tried for killing W. C. Brown, a county policeman, of Jenkins county, in the original race riot and was acquitted. He was then tried for killing Edmund Scott, a negro, who had been killed in the riot and was granted a change of venue to Effingham county. Here he was convicted of manslaughter and sentenced to 15 years in the penitentiary.

The supreme court set that aside and ordered a new trial. This was

never held, but Ruffin was fined \$500 on a charge of embezzlement. This he paid and the other prosecutions against him were dropped. Since then he has been in jail in Savannah, under charge, but acting as trusty and helper. He left the jail quietly last night. No one there knows his destination, but it is thought he has left this part of the country.

JOE RUFFIN RELEASED FROM JAIL

AFTER LONG COURT FIGHT

After Being Tried Three Times For Murder Is Now In North

After making a successful fight in the courts for three years against prosecution for murder, Joe Ruffin, a negro, here for safe keeping, was given his freedom by Jailer Kidwell yesterday and breathed the air of liberty once more.

Old Case

Ruffin was indicted in Jenkins county for murder of County Policeman W. C. Brown and Night Policeman T. P. Stephens at a Negro church festival at Buckhead April 13, 1919. The two officers went to the church, where 5,000 Negroes were gathered and arrested Edmond Scott. Ruffin interceded for the prisoner and offered to give bond for his appearance for trial. A quarrel ensued, resulting in a pistol battle during which the two officers and the Negro prisoner were killed.

After the killing Ruffin gave himself up to one of the county commissioners of Jenkins county, who took him to Augusta for safe keeping. A mob lynched one of Ruffin's children.

From Augusta Ruffin was brought to Savannah and after his indictment by the Jenkins county grand jury a change of venue was granted. He was tried here in November, 1919, for the murder of Officer Stephens and sentenced to be hung. A motion for a new trial was granted and at the next trial which took place November 18, 1920, he was acquitted. He was then put on trial for the murder of Officer Brown and acquitted on March 20, 1921.

For Scott's Murder

There was strong public sentiment in Jenkins county against the prisoner and he was afterward indicted there for the murder of Edmond Scott, his friend and for whom he offered to give bond at the time of the killing. Ruffin's attorneys promptly asked for a change of venue from Jenkins county

and Judge H. B. Strange of the Ogeechee circuit ordered the trial to take place in Effingham county.

At this trial Ruffin was convicted of manslaughter and sentenced to serve fifteen years in the penitentiary. On appeal the court of appeals set aside the conviction. When this was done a verdict of acquittal was taken by consent of the superior court of Effingham county at the last term. He then plead guilty to a charge of embezzlement preferred against him and paid a fine of \$500. Since then he has been a voluntary prisoner in the Chatham jail.

Made a Trusty

After Ruffin had been in jail here about three months, Jailer Kidwell made him a "trusty" and he officiated as an orderly among the large number of colored prisoners in the jail.

"While he never raised his voice he ruled the prisoners with an iron hand, and if I had been compelled to hire a man to do his work in the jail it would have cost the county \$100 a month," Mr. Kidwell said yesterday. Ruffin was a model prisoner, according to the jailer, who admitted that he contributed \$5 to the fund which was used to pay Ruffin's fine in the Effingham county court.

While in jail Ruffin read his Bible constantly and prayed for his deliverance from the toils of the law. When he was released yesterday afternoon it was not divulged where he would go. "He will leave here on a train or a boat. I think he will leave this part of the country altogether," Mr. Kidwell said.

During all of his legal troubles Ruffin has been represented by Lawrence & Abrams of Savannah and Archibald Blackshear of Augusta.

Ruffin was one of the most prosperous Negroes of Jenkins county and at the time of the shooting was in very comfortable circumstances. However, the constant drain on his resources, incident to the cost of his many court trials, finally left him penniless and most of the money used in his last trials was raised through funds raised by churches, societies and personal subscriptions. The embezzlement case out of which he has just come costing \$560.00 all of which was raised in Savannah by a committee

of preachers and public spirited citizens, among whom was Jailer Kidwell.

GEORGIA SHERIFF RETURNS HOME WITHOUT NERO EPPS

The effort to bring about the release of Nero Epps, young colored man held for the sheriff of Griffin, Ga., on a murder charge through a habeas corpus writ, failed when called before Judge Nelson in criminal court. Attorney Houk filed an appeal, however, and Epps was released on a \$2,000 bond. The attorney announced that the case would be taken to the Supreme Court of the United States if necessary and charged that an effort was being made to return the young Negro to a condition of Peonage in Georgia. Sheriff Freeman, who has made two trips here in an effort to get Epps, returned without his prisoner.

Atlanta, Ga., Journal

POLICE SEARCHING FOR NEGRO BANDITS

Pool Rooms Scored By Judge Humphries As Crime Breeders

"Although there is nothing inherently wrong in a game of pool, it is our duty as Christian citizens to stand as a unit against the public pool room. They should not be tolerated in a community, because they are breeding places of crime and vice and the haunts of all classes of criminals."

Judge John D. Humphries, of the civil division of Fulton superior court, made the above statement Friday evening in a spirited address before the Business Men's Bible class of the College Park Baptist church, taking as his subject, "Christian Citizenship."

Judge Humphries also played any attempt to repeal the Georgia state prohibition law, declaring "Christian men and women will never stand for the repeal of this law, because to do so would break down the bed-rock foundation of civilization and decency."

Continuing his attack on the public pool room, he said all his statements were based on sworn testimony that is a part of court records, and expressed the opinion that the pool room managers are not responsible for the conditions, "because they cannot control the class of their patrons and are helpless in the matter."

His address was the principal feature of a social meeting of the Business Men's Bible class. He was introduced by Dr. L. E. Roberts, pastor of the church.

Taking part in a musical program were Miss Blanche Roberts, pianist; Misses Janet and Elizabeth Spahr, Mrs. DeWitt Hunt and Mrs. Hubert Jacobs, vocalists; Miss Eloise Olds, pianist, and Miss Mary Freeman, reader. H. L. Tear, chairman of the entertainment committee, acted as master of ceremonies.

Detectives Monday night were making a determined search for the two unmasked negro bandits who at mid-day Monday, in plain view of scores of people and in the outer business district, held up and robbed H. Robinson, cashier of the Red Rock company, of more than \$1,500, which he was intending to deposit in a downtown bank.

The negroes answer the description of those who have recently terrorized gasoline filling station proprietors by their daring robberies. In one instance they followed the manager of a filling station from Boulevard and Ponce de Leon avenue to Howell Mill road, almost to the end of the car line, where one of the bandits stepped from the running board of their car onto that of their victim, and relieved him of more than \$100.

Robinson Suffers Shock.

Robinson, who is probably 50 years old, was overcome from the nervous shock of facing two guns in the hands of negro bandits. He remained at the offices of the Red Rock company's plant, at Jackson and Irwin streets as long as possible, but was forced to retire to his home.

According to information furnished the police, Mr. Robinson had completed counting his money, which he placed in a black handbag to carry to the banks. As he stepped out of the Jackson street entrance to the Red Rock plant, a negro got out of a touring car, which was standing nearby with the motor running. His confederate remained in the machine with his hands upon the steering wheel.

Both negroes drew pistols, the one nearest Mr. Robinson snatching the handbag and starting toward the wait-

ing car with warning to his victim that if he made an outcry he would be shot down. The negro who remained at the steering wheel likewise threatened Mr. Robinson.

Negroes Speeded North.

The negroes speeded north in Jackson street and were lost sight of before police could be notified. A squadron of detectives working under the personal supervision of Lieutenants T. O. Sturdivant and W. A. Cheurning are following every possible clue.

Two employees of the American Railway Express company, who were loading freight in the Jackson street entrance of the plant, witnessed the robbery. It happened so smoothly and so quickly that neither had time to realize what was being accomplished, they stated. The expressmen were D. L. Shell and his partner, Mr. Watkins.

Jury Orders Death For Savannah Negro

SAVANNAH, Ga., June 28.—Walter Lee, negro, charged with an attack on a Savannah white woman, and object of the jail rush which recently cost the life of one man and serious injuries to several others, Thursday was found guilty and sentenced to death in theatham Superior Court.

The trial consumed less than three hours and the jury was out only 12 minutes. The negro was sentenced to die on August 3.

Lee, who was carried to the court room under heavy guard, entered a plea of "not guilty" and denied any knowledge of the crime. His victim, however, identified him as her assailant. Judge Meldrim thanked the spectators for the splendid order maintained, and said the trial and conviction of the negro had vindicated the law.

Negro Is Sentenced Third Time to Hang For Murder in Jones

Macon, Ga., July 7.—Joe Bonner, negro, convicted of murder in connection with the death of Sid Jones, an aged man of Jones county, was sentenced for the third time this morning at Gray to hang. His execution was set for August 3. Jones was found in an unconscious condition at his home where he lived the life of a recluse, having been knocked in the head with an axe.

Bonner was convicted of the murder and his case was carried to the supreme court, where a new trial was denied. The case was then carried to the United States supreme court and that tribunal declined to interfere with the findings of the lower court and Saturday the negro was carried to Gray and resented for the third time. He has been in the Bibb county jail since a short time after his arrest.

CLAIMS ABOLITION OF LASH HAS HURT PRISON DISCIPLINE

The Atlanta
Convicts Suspended by Thumbs, Chained to Trees, or Put in Torture Boxes, He Asserts.

COMMITTEE DEFEATS AMENDMENT, 9 TO 4

8-7-23

Wardens and Guards Who Cannot Control Men Without Whip, Should Be Removed Says Covington

Appearing before the constitutional amendments committee of the house last night in support of his bill to amend the constitution of Georgia so as to permit the use of the lash on unruly convicts, Representative Bennett, of Dodge county, made grave charges against the system of punishing prisoners in use since whipping was forbidden in convict camps.

The Dodge county member charged that "convicts in certain counties in Georgia are being suspended by the thumbs for hours, or bound to trees with heavy chains, or placed in torture boxes," and that other "horrible, inhuman and cruel" methods of punishment are being brought into use in an effort to control many convicts who have become "stubborn, sullen and absolutely uncontrollable since whipping was outlawed in this state."

Convicts "Creating Unrest."

Representative Bennett further said that in his own county, and in other counties of which he had personal knowledge, convicts are taking advantage of the abolishment of the lash and are creating unrest, openly defying the orders of wardens and guards, and refusing to work.

"I have received information," said Mr. Bennett, "from sources which are absolutely reliable that guards and wardens are subjected to many trying situations; are forced oftentimes to

stand the abuse and 'cussing' from a convict—all because the law of the state forbids whipping offenders. These are some of the things," continued Mr. Bennett, "that wardens who are obeying the law have to contend with, and this condition also exists in counties where officials have been forced to the point of devising methods other than the lash to control their men."

Position of Governor.

In the course of Mr. Bennett's statement he said he had conferred with Governor Walker and had "gone over the situation very thoroughly." He stated that Governor Walker had assured him that he would not veto such a measure should it pass the house, but stated that the governor would not personally authorize the restoration of the lash.

Cumming, of Richmond county, speaking in support of the bill, warned members that unless some action is taken along the lines suggested in the bill which would give officials power to punish insubordinate and unruly convicts, "something terrible is likely to happen at any time."

These charges provoked heated arguments and Holden, of Floyd, vice chairman and presiding officer, found constant use for his gavel. After long and heated discussion, however, the committee voted 9 to 4 to report unfavorably.

Discussions of the measure by members substantiated, in part, the charges of Representative Bennett, speakers favoring the measure either stating that the charges of cruelty by Representative Bennett were true, or that convicts were growing almost unmanageable since the use of the whip as this punishment was prohibited. Specific mention of names and counties where one or the other of the conditions charged by the Dodge county representative existed was not made.

Covington Leads Opposition.

Judge W. A. Covington, of Colquitt county, led in the fight against reporting the measure for passage and stated that the word "whipping," applying to the whipping by one man of another man, has no place in the constitution of a free state.

The speaker spoke eloquently and fervently against the bill saying that "wardens and guards in convict camps who say they can not control prisoners without the lash should be sought out and removed from their positions—that an official who resorts to the use of the lash has an undesirable desire for horrible orgy." The veteran Colquitt county member made a most impassioned plea against the bill and finally made the motion to report adversely. The motion was seconded by Aubrey, of Bartow county.

Create Sensation.

Charges of Representative Bennett, despite the adverse action of the committee on his bill, created a sensation among members, some of whom expressed the belief that the charges of cruel and inhuman treatment should be promptly investigated and dealt with, and that charges of insubordination also should be looked into and proper means taken to insure

It was stated in certain quarters Monday night that the charges brought out by Representative Bennett and others "were not dead" and that new developments were certain to follow. It was pointed out that some counties were threatening to turn their prisoners back to the state on the ground that it is impossible to work them without using the whip on unruly prisoners. This, it was said, would create a situation which would be difficult to untangle and add an enormous burden to the state.

Jackson,
Georgia
Argus

AUG 1 1923

STAND FOR LAW AND ORDER

Evans McDowell, the Jasper county negro who on July 21st robbed and murdered C. A. Pittman, the aged ferryman at Pittman's ferry, has been tried, convicted and sentenced to hang on August 20th. The killing of Mr. Pittman was one of the most horrible murder cases in the history of the state and in this connection I suggest that the officers of Jasper and Butts counties, as well as court officials, jury and all are to be commended for the prompt manner in which this case was handled. And, too, the people of these counties remained quiet and orderly while the officers were seeking to find the guilty party and during the time that he was tried.

It is this case with the people, just as it is in all such cases, they want to see justice meted out promptly and not delayed for months and years. When there is no doubt about the guilt of one charged with crime let him meet his punishment without delay. It will be a great day for this country when the laws are so fixed or made that the known criminal cannot escape indefinitely the punishment which he deserves.—McDonough.

Advertiser.

NEGRO IS SENTENCED
TO HANG FOR KILLING

Jackson, Ga., July 3.—(Special.)—Evans McDowell, Jasper county negro, was convicted in Butts superior court Monday afternoon of the murder of C. A. Pittman, prominent merchant and farmer, on July 21, and was sentenced by Judge W. E. H. Searcy, Jr., to hang on Monday, Au-

gust 2. The case was taken up immediately after the convening of court Monday morning. The jury returned a verdict after a few minutes deliberation, and at the afternoon session Judge Searcy sentenced McDowell to be hung in the shortest time allowed by law. The condemned man was returned to the Fulton county tower for safe keeping.

The court appointed H. M. Fletcher and J. Threath Moore to defend the prisoner. He did not make a statement, nor did the defense put up any witnesses.

McDowell was convicted on the statement made to officers. In this statement he said he planned the crime a week before it was executed and his reason for the robbery and murder was to obtain money to go north.

In the statement he said he rowed across the river in a boat, called Mr. Pittman to the store to buy some smoking tobacco and while his account was being added up struck the aged farmer down with an axe, dragged the body to the river and threw it into the water.

Pittman's keys and the axe with which the crime was committed were thrown in the river, the statement declared. McDowell went to his mother's house, exchanged the bloody overalls and disposed of the money by giving it to the brother-in-law, Clem Lynch. The money was found in Lynch's house and yard.

McDowell, who is 23 years old, formerly lived with Pittman.

The quick arrest and speedy trial is a vindication of the law and courts. A tremendous crowd heard the trial, which was quiet and orderly throughout.

GEORGIA NOT GUILTY

The Tampa (Fla.) Tribune, editorially commenting on the fight being made in Alabama to abolish the convict lease system, and commending to its neighbor Florida's belated but righteous course on the same issue, makes the evidently gratifying and erroneously satisfying comment that "Since Florida abolished the convict lease system, Alabama is one of the two remaining states which continue the system, the other being Georgia."

Tampa has been so busy the past few years in growing and expanding and in becoming the great gulf coast metropolis of the peninsula that it is excusable for not keeping abreast of affairs north of the St. Marys, but Editor Stovall usually takes a trip up through Georgia once a year, and his associate, Postmaster Lambright, finds Atlanta most attractive around grand opera seasons. These brethren of The Tribune ought to know, therefore, that the convict lease system died in

Georgia almost or about the time, or only a few years thereafter, that the famous "Ocala platform" was born in Florida.

The fact is many of the men who made fortunes commercializing penal labor for private gain in Georgia left this state and migrated to Florida when the aroused public conscience in Georgia put an end to the pernicious system. They went into the naval stores and lumber business and took up in that state what Georgia had made them lay down in this.

Had Florida followed Georgia's example many years ago as to the use of her convicts on the public roads for the public good, many a tragedy as alleged to have been traceable to the lease system in that state would have been averted, her road system would long ago have been completed, and her turpentine and lumber camps would have been on a higher moral and more inviting living basis than they have been during the long years of the lease system. "Better late than never," however, and she is to be commended for her recent awakening.

The Tribune was a leader, many years before its successful fruition, of a campaign in Florida against the infamous system.

It had the hearty support of The Constitution, which has frequently during those years, hoped that the dawn of a brighter day for the penal system of Florida was not far distant.

It took tragedy, and serious tragedy apparently, to push back the mist from the breaking sun, but when it did shine it was glorious in its warmth and cheer and fullness.

Alabama stands alone as the only state still retaining this relic of the dark ages.

It is hoped that another year will see that good old state of southern progress, so rich in history and tradition, happy in the union of those of her neighbors that have outlived this system of economic unsoundness and human barbarity.

NEGRO POOL ROOM
LICENSE REFUSED

Council Refuses to Allow C. H. Cunningham to Operate at 135 Broad Street When Citizens Object.

C. H. Cunningham was denied license to operate a pool room for negroes at 135 Broad street by the City Council at its regular meeting last night.

Mr. Cunningham's application was read at the last previous meeting, but, under the pool room ordinance, it had to go over until last night to give nearby property owners opportunity to object if they desired.

When the application came up for final disposition, objections were presented in writing from Mrs. W. T. Walters, proprietress of the South Georgia Hotel; Joe Frank, L. Zucker, the Eureka Drug Company, and J. Polstein. All of them mentioned the fact that another negro pool room already was located in that block, and that another would make the locality such that many of their customers would be driven away.

The petitioner presented statements favorable to the location from M. Rosenberg, S. L. Thompson and the Army Store.

Thos. L. Milner, an attorney, spoke for Mr. Cunningham, and urged that the fact that there is already such an establishment in that part of town was an argument in favor of the location, rather than against it. He said that if an effort was being made to locate it in a part of the city where no such establishment was located or wanted, he would oppose it himself. If the location of this pool room would hurt the businesses of the objectors, the one already there would do the same and ought to be closed, Mr. Milner urged.

C. J. Thornton, owner of the one already operated in that block, asked the council if "Mr. Fleming" is in-

terested with Mr. Cunningham in the proposed pool room, and was told that the application did not show any name except Mr. Cunningham's. Mr. Thornton said that Mr. Fleming had tried to buy him out and had threatened to open in opposition if he did not sell.

After the arguments were completed, Mayor H. A. Peacock asked the councilmen what they wished to do about the matter. Councilman Thad Huckabee declared that he had always objected to negro pool rooms, and that the purpose of the present ordinance is to protect people who are opposed to pool rooms of any character, when they might injure another person's business. On motion of Councilman A. E. McLean, seconded by Councilman C. W. Raw-

NEGRO SENTENCED TO HANG
TEN DAYS AFTER CRIME

Evans McDowell, of Jasper County, Georgia, accused of the murder of C. A. Pittman, white, on July 21st, was sentenced to hang by Judge Searcy, August the 2nd, within ten days after the crime was committed. Crime was committed July 21st, trial and conviction Monday, July 23rd, sentenced to hang August 2nd. Without passing on the guilt or innocence of the accused, we would like to know what is the difference in lynch law by a court of competent jurisdiction and by a mob. We believe in the speedy trial of a criminal, but a culprit ought to have a constitutional trial.

The Negro made no statement to the court. The lawyers appointed by the court offered no evidence, and the jury convicted McDowell on a statement he was alleged to have made to the officers. Yet McDowell neither denied nor affirmed the statement in court.

Somehow, our officers are too often in criminal cases witnesses for the state. If McDowell was guilty, he deserves punishment—prompt and heroic action; but he ought to have time to make his defense, and the state ought to take time to establish his guilt beyond a reasonable doubt. It does not look decent to sentence a man to hang who makes no statement and where counsel makes no defense.

JUN 3 1922
LAW WILL TAKE ITS COURSE.

A Savannah negro has been tried and sentenced to hang for a very serious crime, one which is calculated to stir the passions of all men. The Savannah jail was strong enough to hold the prisoner against the attacks of a quickly gathered mob that threatened to take him for a lynching party.

It is better by far that this should occur as it did. Savannah maintains the dignity of the law and prevented through the courage of its officers the raping of justice, an unwarranted and illegal punishment for a crime that the law has mandated the negro to pay the extreme penalty for.

The evidence shows no doubt of the guilt of the negro and his punishment will not be delayed. There is every reason to believe that the quick action taken in this case will be a salutary example to many communities where the law has been transcended and wild passions have so enraged the hearts of men that they have taken human life without due process of law.

AUG 9 1922

JOE BONNER HANGS

As was scheduled, Joe Bonner, the negro who killed A S Jones in December, 1920, was hanged in the jail at Gray last Friday. The drop fell at 11:02 and in 11 minutes he was pronounced dead by the two attending physicians - Drs Zachary and Chambliss. This case was carried through all of the courts and he was sentenced three times. Soon after the crime was committed he made a confession to the Sheriff and took that officer to the place where he had hidden his bloody clothes. Later he claimed that another negro, Sims by name,

committed the deed though he was present. He stuck to this to the end. At the trial of Sims he proved an alibi and was dismissed. None of Bonner's family attended the execution nor took any steps toward his burial. He was buried by the Sheriff of the county.

Morrell Cruelty Charges Untrue, Probers Declare

William Morrell, who recently charged in New York that he had been brutally treated in Georgia prisons, was "not unreasonably punished while held in this state," the state prison commission reported to Governor Clifford Walker Friday, following an investigation of the case.

Morrell, who escaped from the chain-gang in this state and was apprehended in New York, has been returned to Georgia, and is now incarcerated in the state prison at Milledgeville. After publication of Morrell's charges, Governor Walker ordered the prison commission to conduct a thorough investigation of the charges.

Records of the commission disclose that Morrell was whipped five times before he escaped, according to the report. These punishments, it was stated, were administered because of his assault upon guards and to enforce discipline.

Affidavits from ten physicians and county commissioners show that Morrell "was not unreasonably punished, and that neither the punishment given nor the labor required of him was unreasonable, nor more than other convicts were performing, and that most of his time was spent in idleness at the camp."

Physicians of Fayette county camp, where Morrell first was confined, reported there were scars on Morrell's body when he was first received.

"On Morrell's return to Georgia from New York, where he was recaptured," the report stated, "we had him examined in Fulton county by Dr. Paul McDonald, the camp physician of Fulton, with the end of determining his physical fitness for road work at this time. Dr. McDonald after examining Morrell stated that he had a tobacco heart, but that his stomach and lungs were normal and sound. He said that he had a nervous condition. St. Vitus dance of the right arm and face, and that he was unable to do hard manual labor on the road, but was able to do ordinary hard labor. Acting on this certificate, Morrell had been assigned to the state farm."

The charge upon which Morrell was convicted was forgery.

Clinch County Negro Pardoned By Gov. Walker

First Sentenced to Hang, Lane Wins Freedom After Fight of 10 Years.

Waycross, Ga., July 8.—(Special.) Lige Lane, 43-year-old negro who was sentenced to be hanged by a jury in the Clinch county superior court in the fall of 1913 and whose sentence was later commuted to life imprisonment by Governor Slaton, today was granted a pardon by Governor Clifford Walker. The pardon was recommended by the prison commission.

Lane gained his freedom only after a fight which extended over ten years. He was convicted on a charge of assault upon a woman then living in Homerville, was found guilty and sentenced to be hanged. He was brought to the Ware county jail for safe-keeping following his conviction, and later when his sentence was commuted to life imprisonment he was assigned to the Ware county chain-gang.

So strong was the sentiment in Clinch county that Lane was innocent of the crime that four different lawyers have at various times volunteered their services without compensation in an effort to win for Lane a pardon.

Attorney R. G. Dickerson, of Valdosta, who knew the accused as a boy, took over the case last year and has been untiring in his effort to secure a pardon.

Petitions and affidavits signed by hundreds of Clinch county citizens, including the majority of the trial jurors, the judge of the superior court, the ordinary and many prominent women of the county, asking a pardon and asserting their belief in Lane's innocence were presented to the prison commission and the governor.

Many influential Waycross citizens also have become interested in the case and have carried on an agitation for his release. Lane has been a model prisoner, serving as a trusty under Ward F. Wood, who stated that he had explicit confidence in the prisoner, and has granted him many privileges. He has made many friends both white and colored, during the ten years of service in this county.

Negroes Seized In Alleged Truck Farm Theft Ring

One of the largest syndicates of truck farming thieves ever discovered here was declared by police to have been broken Friday with the arrest of three negroes, Rosalee Hawkins, Fletcher Stone and Fannie Mae Camp.

They were arrested on warrants from Clayton county and turned over to Sheriff E. E. Reagin, who left Friday evening to place them in the Jonesboro jail with four others who were captured Thursday night.

The "ring" was uncovered, Sheriff Reagin declared, with the wounding of John Henry Stone, Jr., negro, in the act of robbing the watermelon patch of M. Mitchell, about a mile this side of Jonesboro.

With the wounded negro were his father, John Henry Stone, Sr., and two negro women, Bertha Stone and Minnie Smith. The wounded negro was brought to the Grady hospital for treatment. His right leg was broken by a bullet Mitchell fired at him while in the watermelon patch, Sheriff Reagin stated.

"Farmers in my section have been complaining about the wholesale raids made upon their crops during the night, and with this 'round-up' we have the solution of their troubles, I think," Sheriff Reagin stated. He left for Jonesboro with his prisoners.

MALLORY SENTENCED TO HANG ON DEC. 21

Perry, Ga., October 24.—(Special.) Lucius Mallory, convicted of murder in April, 1922, today was sentenced to hang on December 21 in the Houston superior court to be defended by Attorneys J. O. Ewing and William Bush.

His case was appealed to the supreme court of Georgia, following his sentence to hang May 22, 1922, and the decision of the lower court was affirmed.

Notice of the supreme court's action was received by the the superior court Tuesday.

Mallory will be hanged in the jail-yard of Houston court. Mallory was convicted of killing Isabella Taylor, an aged negro woman, in her home, and robbing her of \$9, on December 26, 1921. She was in her house alone when she was killed by blows inflicted on her head with a wooden club. Mallory escaped, but was captured near Fiko by O. C. Morgan, and identified by an old shoe, the tracks of which left the house of the old woman.

He has been confined in jail since his arrest, with the exception of one day, when he made his escape from jail with a number of other prisoners January 1 of this year. He was captured the day after escape within half a mile of the house where the crime was committed.

SLAYER OF HEARD SENTENCED TO LIFE

Adam Lindsey, negro, slayer of County Policeman Harry H. Heard, was found guilty of murder with a recommendation to mercy by a jury in Judge G. H. Howard's division of Fulton superior court Saturday morning. Judge Howard immediately sentenced the negro to life imprisonment.

The trial opened Thursday morning, continuing more than two days, with a night session Friday night that extended until 11:30 o'clock. The negro's fate had been in the jury's hands almost an hour when agreement between counsel on both sides resulted in permission from Judge Howard that the jurors disperse for the night. They met again more than two hours before the verdict was returned Saturday morning.

Officer Heard was slain on the night of October 20, when he and other officers went to Lindsey's home to investigate reports that whiskey was being sold there. Evidence introduced by the prosecution was to the effect that the slain officer met his death when the negro opened fire upon him, discovering that his operations were about to be revealed. The first two shots, both of which took effect, were fired at Heard while he was outside the door of the negro's house, the state contended.

The negro set up a plea of self-defense, alleging that he fired without knowing that his visitors were officers, and believing that he was about to be attacked by persons with whom he had engaged in an altercation earlier in the day.

The prosecution was conducted by Solicitor John A. Boykin and Assistant Solicitor E. A. Stephens. The defense was represented by Attorneys J. O. Ewing and William Bush.

10-25-22

RS SHOOT, MISTAKES

H. R FOR NEGRO

Cordele, Ga., August 21.—Bert Cain, druggist, and Sheriff Charles O. Noble, of Crisp county, fired on night while hunting a negro wanted on a serious charge. 8-22-23

Cain, seeking to aid the sheriff, ran upon the officer in the dark and both opened fire. Cain with a shot gun and the sheriff with a revolver. Cain is seriously wounded but will recover, doctors say. Sheriff Noble was peppered about the body with shot.

The negro escaped. A reward has been offered for his arrest.

1923.

Georgia.

LAGRANGE OFFICER WOUNDED BY NEGRO IN PISTOL BATTLE

LaGrange, Ga., August 25.—(Special.)—Policeman Grover C. Cole, a member of the motorcycle squad of the LaGrange police force and Shepherd Clements, a negro living near Odessadale, both were wounded this morning at 3 o'clock in a gun battle when the officer attempted to arrest the negro on a charge of violating the prohibition law.

Officer Cole received a scalp wound while the negro was shot twice in the breast, one bullet passing through the chest and shattering his right arm below the shoulder. None of the wounds, it is thought, will prove fatal.

The negro was driving a buggy on Greenville street and when he was stopped by the officer his buggy was searched and the officer claims two gallons of whisky was found in his possession. When Officer Cole started to get into the buggy the negro drew his gun and opened fire, whereupon the officer returned the fire.

YOUTHS ARE CLEARED IN KILLING OF NEGRO

Camilla, Ga., December 11.—Ed Norris and Pete Hiliard, two youths of Camilla, both only 18 or 19 years old, were completely exonerated today at Newton in Baker county, of any guilt in the killing Sunday night of Charles Wright, a negro, by Will G. Stewart, a Mitchell county bailiff, who later committed suicide at his home near Camilla.

An inquest was held at Newton today, and was attended by the two youths, who gave their version of the killing. This was to the effect that Stewart, though it was Sunday, was seeking to find a negro who lived near the home of Dillard White, a deputy sheriff of Baker county, to collect a debt. They stopped at the house of a negro and inquired the way. The negro, Charles Wright, answered in an insulting manner and after some words threw a bottle, which broke against the rear of the automobile. The boys were in the car and Stewart was outside, they said. After throwing the bottle, the negro, who evidently had been drinking, advanced upon Stewart in a threatening manner, and Stewart shot him. There was no truth, it was said, in reports that two bullet holes had been found in the negro's body, both of different calibre.

It is supposed that worry over the killing of the negro unbalanced Stewart's mind and caused him to kill himself the next day.

MALLORY SENTENCED TO HANG ON DEC. 21

Perry, Ga., October 24.—(Special.) Lucius Mallory, convicted of murder in April, 1922, today was sentenced in Houston superior court to be hanged on December 21 this year. His case was appealed to the supreme court of Georgia following his sentence to hang May 22, 1922, and the decision of the lower court was affirmed.

Notice of the supreme court's action was received by the the superior court Tuesday.

Mallory will be hanged in the jail-yard of Houston court.

Mallory was convicted of killing Isabella Taylor, an aged negro woman, in her home, and robbing her of \$9, on December 26, 1921. She was in her house alone when she was killed by blows inflicted on her head with a wooden club. Mallory escaped, but was captured near Foko by O. C. Morgan, and identified by an old shoe, the tracks of which left the house of the old woman.

He has been confined in jail since his arrest, with the exception of one day, when he made his escape from jail with a number of other prisoners January 1 of this year. He was captured the day after escape within half a mile of the house where the crime was committed.

Crime—1923.

Georgia.

RACE MINISTERS JOIN
WHITES TO AID IN
SUPPRESSION OF CRIME

(Preston News Service.)

Atlanta, Ga., Dec. 27.—The Negro ministers here took an active part in the unified campaign in co-operation with the white community against lawlessness and violation of the prohibition laws. The ministers pledged themselves to do all possible in the pulpit and in private life to check the enormous crime wave that is sweeping the entire country and especially in this vicinity. It was pointed out at the general meeting of the ministers that conditions in Atlanta are no worse than in other cities of the same size, but "there is too much crime and disregard for law and it is time for the best people, ministers, laymen, and members of all races and sexes to put up a concerted effort to suppress crime" declared the pastor of Big Bethel A. M. E. Church.

LASH NECESSARY ON CONVICTS, IS CLAIM

Montgomery Advertiser
Georgia Prison Official's Whip Needed to Enforce Discipline

(Associated Press)
ATLANTA, Ga., Feb. 6.—Convicts cannot be worked on the roads of Georgia without the lash as a means of enforcing discipline, according to the unanimous opinion of members of the state prison commission, expressed in a conference here today with Governor Hardwick in regard to the abolition of whipping in the convict camps and at the state prison farm.

Governor Hardwick has been urged to issue an executive order putting an end to the lash. The law provides that convicts shall be handled and punished "under rules and regulations prescribed by the prison commission and approved by the governor."

A committee representing the council of Christian churches of Atlanta recently presented the governor with a legal brief arguing that the constitution of the state forbids whipping. Attorney General Napier gave an opinion that the constitution does forbid whipping, in spirit, at least.

After hearing arguments of the prison commissioners against changing the rules, Governor Hardwick said he was not certain he would initiate a change. The commissioners suggested that instead of abolishing the lash, a rule permitting its use only in the presence of the county physician. The governor said he thought this would be preferable to the present rule.

Man Gets Sentence In Killing of Negro

Associated Press Report

SYLVANIA, Ga., Feb. 23.—The Jenkins was found guilty of voluntarily manslaughter by a jury here tonight, in connection with the killing of "Coz" Jones, an aged negro, last December. The jury recommended a sentence of one to three years, which was imposed by the court immediately.

LIFE FOR KILLING NEGRO

Commercial Appeal
Jury Recommends Mercy for Man Who Murdered Girl

GREENVILLE, Ga., Feb. 24.—Will Hendrix, 20-year-old white man, was convicted of the charge of murder today in connection with the killing of Mattie Cox, 18-year-old negro girl last November. The jury recommended mercy and he was sentenced to serve a life term.

NEGRO SHOOTS WHITE IN FIGHT ON STREET

1-16-23

Alleged to Have Retaliated for Blow With Automobile Pump.

The Constitution
W. E. Johnson, white, of 237 Hamilton avenue, was shot in the neck, directly under the chin, about 11:20 o'clock Monday night by Fred Shockly, a negro, at Broad and Alabama streets. Shockly is held by the police without bond on a blanket charge of disorderly conduct.

According to W. M. O'Connor, a flagman for the Southern railway, who was an eye-witness to the shooting, Johnson, who was in an automobile, ordered the negro, who was walking along the sidewalk with his brother, Heywood Shockly, to crank the machine.

When Shockly did not heed the instruction, according to O'Connor, Johnson took a tire pump from the machine and, climbing out, struck the negro over the head with it, cursing him violently.

At that point, he said, the negro drew his revolver and fired. The bullet pierced the fleshy part of Johnson's throat. Johnson was taken to Grady hospital. His wound is not considered serious. The negro gave his address as 27 Bonnie street.

STORY OF HOLDUP PROBED AND FOUND LACKING IN COURT

Atlanta Constitution

After appearing at Grady hospital, bruised about the head on the night of Saturday, February 10, and claiming that a negro footpad had beaten them in an attempt at robbery on Grant street, J. A. Ashburn, 35, of 228 East Hunter street, and R. H. Proctor, 32 of 9 Picard street, two white men, were fined \$16 by Recorder Johnson Saturday afternoon on charges of drunk and disorderly conduct.

When Horace Printup, negro, of 35 Biggers street, saw the account of the alleged attempt at robbery in the newspapers on Sunday, February 11, he carried them to his employer and told him that he was the negro alluded to. He added, however, that robbery did not figure in the incident but that the two white men were drinking and attacked him without provocation.

Printup and his employer went to the police station, where officials summoned the two white men. They refused to identify Printup, but the negro immediately declared they were the men who had attacked him.

Judge Johnson administered a lecture on the evils of whisky—particularly the kind that makes its consumer attack pedestrians without cause—in assessing fines against Ashburn and Proctor.

Georgia Wakes Up And Sends White Man To Penitentiary For Life For Killing Colored Girl

Baltimore Herald & Commonwealth

Greenville, Ga., Feb. 24.—Will Hendrix, 20, white, was convicted of the charge of murder today in connection with the killing of Mattie Cox, 18-year-old Negro girl, last November. The jury recommended mercy and he was sentenced to serve a life term.

On the witness stand in his own defense Hendrix accused his father, D. G. Hendrix, of the murder. The father will go on trial Tuesday, charged with the same crime.

During the trial of the case an alleged plot was uncovered to force the girl to return home. In her dying statement the girl accused the elder Hendrix of shooting her, while Bill Woodard, a Negro, the only eyewitness of the crime, said the younger Hendrix killed her.

DEKALB OFFICERS PROBING ALIBIS OF FIRE SUSPECTS

Atlanta Constitution

Understood That Their Findings Do Not Uphold Claims Made by Two Negro Prisoners.

NEGRESS REPUDIATES STORY ABOUT BLAZE

Says She Confessed Because She Was "Scared." Woman Not Threatened, Declares Witness.

BY THOMAS E. BROOKS.
Decatur and DeKalb county officers are in no way disheartened by the repudiation of the confession by

Sheriff J. A. McCurdy personally used "bull-dozing, third-degree" methods in obtaining the confession from Dimpie Nix and that he knew that Sheriff McCurdy had "threatened the negro with hanging if she refused to tell the names of the criminals who fired the McDowell home."

Mr. Harrison also stated that he had been retained by both Bud and Johnny Nix to represent them. He said that they had paid him a small retainer, and that he made arrangements during his first visit to the jail Thursday morning to represent, as attorney, all three of the negroes.

Sheriff McCurdy, when told of the statement by Attorney Harrison, gave this statement in reply:

Denies Harsh Treatment.
"You may state that any person who says that I ever use harsh or threatening means in questioning a prisoner tells an infernal lie, whether knowingly or not, I do not know."

"I have seen the woman only once and that was when she was being taken out of the door of the jail and headed for Fulton county. It she walked into my room right now I would not know her."

"As to the methods this man says I used in questioning her, I was not even in Decatur at the time she was being questioned. The arrest and examination of the prisoners was not participated in by members of my force, but was conducted officially by M. H. Phillips, special baliff to Solicitor-General Brand, and members of the city police force of Decatur."

"You may say also that none of my men use such tactics as mentioned by that lawyer."

Acting Solicitor-General Robert Ramspect, of the Stone Mountain circuit, is taking an active interest in the case, conducting certain phases of the investigation himself and he declares nothing will be left undone in bringing the criminals to justice.

Says She Was "Scared."
In repudiating her confession, Dimpie Nix stated that she was "scared" at the time the confession was made, and that there is no truth to her statements, made at that time. She now says that all she said was "yes" and "no" in answer to questions.

This last statement by the negress is "an absolute falsehood," according to O. G. McConnell, Decatur police officer, who was present throughout the entire questioning of the Nix woman in the DeKalb county jail.

"The Nix woman was threatened in no way," he declared. "Neither was she promised any special privileges or immunities."

"Why are you afraid of Johnny? Did he set that fire and murder those little girls?" These questions were fired at her.

"Mister, I'm scared of Johnny and Bud. I'm scared they will kill me if I tell," she replied amid sobs.

Woman Confessed.
"We soothed her by assuring her that every officer of the law in the land is sworn to protect the lives of all citizens, and that she need have no fear of Johnny, Bud, or any other person, and that all we wanted was for her to tell us nothing but the truth, but all of that. She then gave us the confession which caused the

arrest of Bud Nix, brother of Johnny, and Ethel Nix, Bud's wife.

"At the same time an officer was sent into Atlanta for Winnie White, sister of Dimpie Nix, who was named in the confession as having heard a vitally important and incriminating conversation between Dimpie and Johnny. She never was arrested, but went voluntarily with the officer to aid her sister.

"In answer to the question what conversation between her sister and Johnny in regard to the McDowell fire she had heard, she repeated the exact words previously used by her sister, and then declared her sister had told her what was said during the other conversations with her husband. Her statement coincided in every way with that of Dimpie, and was made before the women were allowed to see or communicate with each other in any way."

SAYS JOHNNY NIX AND HIS "CROWD" STARTED FLAMES

Atlanta Constitution
2-22-23
Confession Secured After

Hours of Grilling of Dimpie Nix by Officers in DeKalb County.

PRISONERS BROUGHT TO TOWER IN ATLANTA

Woman Says Husband Told Her He Would "Get McDowell" After Learning of Her Discharge.

BY THOMAS E. BROOKS.
Implicating her husband, Johnny Nix, his brother, and several other unnamed negroes in the burning early Tuesday morning of the McDowell home in Decatur, which caused the death of Willie Mattee and Marian McDowell, 15 and 17-year-old girls, Dimpie Nix, former cook in the home, broke down under severe grilling Wednesday night and made a confession to Decatur and DeKalb county authorities.

Bud Nix, the brother of Johnny Nix implicated in the confession, together with Johnny Nix, Dimpie Nix and Bud Nix's wife were immediately rushed to the Fulton county tower

for safe keeping. Some excitement was evidenced in Decatur following news of the confession, but authorities had the situation well in hand and declared that no disorder was imminent at any time.

Held as Witness.

Ethel Nix, wife of Bud Nix, is held without bond as a material witness. She and her husband were taken into custody Wednesday night. Dimpie Nix and Johnny Nix were arrested on suspicion Tuesday night.

According to the confession of the Nix woman, revenge upon the McDowells was the motive which prompted Johnny Nix and the other negroes implicated to fire the McDowell home, resulting in the tragic death of the two pretty and popular young daughters of Mr. and Mrs. John M. McDowell, widely-known Decatur residents.

She stated that her husband was greatly incensed when he learned that his wife had been discharged as cook by Mrs. McDowell after the latter had missed several articles of silverware and crockery. Mrs. MacDowell had previously told authorities the woman muttered surlily when her services were dispensed with and left the home glowering darkly.

Nix Makes Denial.

Questioned at the Fulton county tower by a Constitution representative, Johnny Nix vehemently denied any connection with the fire. He said that on the night of the fire he spent the night with his brother, Bud Nix. The latter maintained the truth of this claim and added that his wife was at the home at the time.

"I can account for myself, Johnny Nix and my wife," asserted Bud Nix. "The only person whose actions I know nothing about on the night of the fire is Dimpie Nix, Johnny's wife."

Johnny Nix said that Dimpie Nix had informed him that she spent the night with her sister, but he added

SLAYER'S LIFE IS SPARED BY HARDWICK

Gallows Cheated at Last Minute When Allen Sentence is Commuted.

As he lay on his cot in the death cell in the Fulton County Tower, waiting calmly and alone for the summons to the gallows chamber, Roscoe Allen, a negro youth condemned to die Friday for slaying Ollie Carlton, was saved from death by action of Governor Hardwick less than 15 minutes before the time set for the trap to spring.

Governor Hardwick commuted the boy's sentence to life imprisonment, acting after an impassioned plea by Murphy M. Holloway, lawyer for Allen, who fought to the last for his client after Judge R. N. Hardeman, in Fulton Superior Court, had denied at 9 o'clock Friday morning an extraordinary motion for a new trial.

The Governor's clemency was based on the grounds of the extreme youth of the condemned negro, and the fact that there had been altercations between Allen and Carlton, with the result of hot blood engendered between them, several times before the fatal affray.

The news of the commutation was taken to Allen by a reporter for The Georgian.

CUDDLING JAIL CAT.
Allen lay in the solitary barred chamber fully dressed. Cuddling peacefully at his throat was a black cat, the jail pet.

The cat, "Corinne" by name, had taken a fancy to the doomed boy, and was often with him. Allen had asked that "Corinne" be allowed to remain with him to the last.

When the reporter approached the barred cell, the young negro lay without sign of nervousness. In his buttonhole was a yellow flower, given him by a visitor earlier in the morning. He wore, neatly pressed and cleaned, the clothing he had worn when he fought and killed young Carlton.

READY TO DIE.

The reporter told him of the Governor's decision. The negro stared a moment without understanding.

"I'm mighty glad," he said at last. "I am ready to die, because I made my peace with the Lord. If He wants to take me now or later, it's all the same to me, but I want my chance to show I'm not the same as when the fight happened. And my mama's waiting at home."

Upstairs in the gallows room the trap had been set and the rope was dangling for the execution. A deputy waited outside the death chamber for the signal to lead the negro to the gallows. At her home the boy's mother was waiting, all her hope gone with the failure of the motion in Superior Court for the news that her son was dead.

FIRST THOUGHT OF MOTHER.
Allen's first move was to ask that a friend who waited downstairs be sent to his mother to tell her he was saved from death.

The young negro was taken from the cell shortly after news of the commutation reached him. In the "bull-pen" he was surrounded immediately by a noisy, laughing group of negro prisoners, shaking his hand and slapping his back. A negro woman welfare worker joined the group and lifted the tune of the hymn, in which the others joined heartily—"Nearer My God to Thee."

Allen will be taken shortly to the state farm to begin his life sentence. He had been condemned for killing Ollie Carlton, a white boy employed in a Luckie Street drug store near the pressing club where Allen worked. After numerous quarrels Allen armed himself with a revolver and returned to the drug store, shooting Carlton.

THE LASH ABOLISHED

The action of Governor Hardwick in abolishing the use of the lash in disciplining convicts in Georgia is most commendable, and will meet with the hearty approval of the people.

It has been demonstrated in all federal penal institutions and in a great majority of the state penitentiaries that more effective, and certainly more humane, methods of convict control, and of enforcing obedience to prison rules and regulations, can be employed. These methods are usually based on the merit system, that is, rewarding good deportment and rigidly restricting privileges for bad deportment, scaled by grades of deportment, etc.

While the lash has very correctly been abolished, however, there is no occasion for losing any sympathy, or shedding any tears over the treatment of convicts as a whole, when fair and humane methods prevail.

The whole cause of law enforcement has and always will suffer at the hands of fanatics and sentimental and temperamental "reformers."

While a penitentiary may be a reform institution; that is, an institution to better the lives and save the souls of the convicts, and so on—it must not be forgotten that first of all it is an institution for punishing violators of law; and any system that makes a hero, or a martyr, out of a convict who is serving a term because he disregarded and transgressed the criminal laws, enacted to protect society, and to make the earth a safe and fit place to live on, is simply putting a premium on lawlessness,

and letting the bars down to the depredations of the criminally inclined.

Wardens of penal institutions, on the other hand, should never forget that their charges are human and that cruelty breeds a rebellion that neutralizes the effect that prescribed punishment is intended to have as a corrective influence.

Cruelty is inexcusable; sentimental indulgence is dangerous.

PLAN INJUNCTION TO PREVENT ORDER ABOLISHING LASH

Atlanta Constitution
Reports that one or two of the larger counties of the state employing convicts on road work have threatened injunction proceedings to stop abolishment of the whipping of prisoners were current in Atlanta Thursday. The Fulton county was said to be one of the counties contemplating such a step.

Sometime this week Governor Hardwick is expected to issue an executive order abolishing the use of the whip in prison camps in the state. He has declared that he would so act if the attorney-general ruled that the governor must approve or disapprove prison camp rules now in effect and Attorney-General Napier has so held. The governor is said to be preparing a proclamation based on the action of the attorney-general.

The Atlanta committee on church co-operation, through a sub-committee of which Charles N. Walker is chairman, inaugurated the movement to abolish the flogging of convicts.

LAST-MINUTE APPEAL

SAVES LIFE OF NEGRO

Atlanta Constitution
Roscoe Allen, 18-year-old negro who was to have been hanged at Fulton tower at 11 o'clock Thursday morning, was granted a commutation of sentence to life imprisonment by Governor Hardwick shortly before the time set for the execution.

The governor's action was taken when Murphy Holloway, counsel for the negro, filed application for a reprieve, and it followed the refusal of Judge Hardeman in Fulton superior court to consider an affidavit alleged to have been made by one of the trial jurors, in which the juror is said to have declared that he did not vote for a verdict of guilty without a recommendation of mercy.

Allen was convicted for the murder of Ollie Carlton, a white youth, who was shot to death on Luckie street about a year ago.

SQUEEZED IN NEWS

New York News
3-3-23
White Youth Gets Life for Murder of Colored Girl

GREENVILLE, Ga., March 2.—Will Hendrix, twenty-year-old white youth, was convicted of the charge of murder in connection with the slaying of Mattie

Cox, a colored girl, last November. The jury recommended mercy and he was sentenced to serve a life term.

Crime-1923

Illinois.

YES, CHICAGO IS SHOCKED BY APPALLING STORY of ALIEN SYNDICATE CONTROL OF PROTECTED VICE

The Horror That Mantled Our Second City When Grand Jury Revelations Told of a Slavery Un- dreamed of, of an Industry Whose Toll Was Millions

Real Estate To Negroes

Julius Rosenwald, president of Sears Roebuck and Company and one of the wealthiest men in America, is credited with encouraging the Negro exodus to Chicago. There would have been a heavy movement no doubt without any encouragement other than economic conditions. That occurred elsewhere. But nowhere were the newcomers so enthusiastically welcomed and made "at home" as on Chicago's South Side.

Jewish real estate agents bought up block after block of residential property occupied before by white citizens of long standing and installed Negro residents. The newcomers covered Grand Boulevard, Prairie avenue and similar streets, only a short time before the residents quarters of such people as the Arnouers, Pullmans and onymous with the building of the second city of America. Leaders of the migration extended their lines farther and farther—going to Rosenwald for help. They were sold \$5,000 pieces of property on an initial payment of \$50 and permitted to move in after making the 1st payment. This practice and the losses of older owners were one of the causes of the race riots which flamed out in 1919—although there were clear indications that Bolshevik propaganda inspired from New York, East Side had a share in the catastrophe.

carried to its logical conclusion the decent Negro element in the district will deserve the credit.

The situation on the South Side was called to the attention of Chief of Police Charles Fitzmorris more than a year ago. Chicago believed in Fitzmorris. He pledged himself to a clean city and asked the aid of all good citizens.

In response to his call one of the city's wealthiest and most prominent citizens stepped forth. Who? None other than Julius Rosenwald. Mr. Rosenwald has devoted a large part of his wealth to Negro institutions. Indeed many Negro institutions are officered by Jews.

The Committee of Fifteen was formed as an independent civilian organization to suppress vice. Mr. Rosenwald was its chairman! Many prominent citizens were persuaded to join it. They are now resigning rapidly, four having quit in four days because they couldn't find out why the Committee of Fifteen leaders insisted there was no vice while private investigators imported from other cities by other organizations found 200 houses and 1,000 inmates in 20 days of investigation and found that a big majority of these places were directed by the syndicate.

And then came the first meeting of the committee to make its plans to curb vice.

For a while after the riot the tide of dispossession that had been rolling out the original white home-owners was stilled but it began to flow again and there are indications that it had strong financial support from Jewish men of wealth. The Negroes were encouraged from some quarter anyhow to go into politics. Soon their lower elements were prominent in crime and vice. By this time they had complete control of what had been one of the best residential sections of Chicago and while many of the better Negroes who had moved in struggled against the degradation of the district it began to take on an entirely new tone.

Resorts, cabarets, cafes, saloons, gaming dens and vice houses were opened up. Soon the district was notorious for its "black and tan" cabarets, where white women many voluntarily degraded, but many forced into such a life originally were to be seen nightly dancing the new dances with Negro men. Raids on these places have made up the bulk of routine police reports in the newspapers.

Federal court injunctions obtained against some of these resorts under the Volstead Act revealed that the Negro proprietor was frequently backed by an alien—the aliens interested in such places were usually Eastern Jews, South Italians, and Sicilians with a sprinkling of other races.

The situation in this quarter of Chicago is such today that there are many hard-headed business men who have declared privately that unless there is a drastic change Chicago may well fear a serious race upheaval. The peril has actually been alluded to in the newspapers and thousands of the respectable Negro residents have struggled to have the resorts cleaned out.

If the present vice probe is

There was much talk and no action—and then the money came from a source which might have been considered entirely unexpected then, but which is causing considerable comment now.

Chief Fitzmorris stepped in and volunteered to supply the funds.

"I can furnish money for a committee of this kind from my contingent fund" he said. His offer was accepted and according to committee members, \$8,000 was turned over to pay investigators. So, the civilian committee formed to act as a check on the police department and to see that it curbed vice, began work with funds furnished by the police department.

"We had better announce this with some kind of an explanation," Mrs. Joseph T. Bowen told the committee.

"No, if we do, we will have trouble getting any funds at all from private citizens if we have to ask for them." Rosenwald is quoted saying.

"That's right" was Fitzmorris' opinion. "And I might have trouble getting the appropriation I want if the council finance committee hears of it."

It was kept quiet but it was made public during the present investigation. And then came the testimony that investigators for the anti-vice Committee of Fifteen were protecting vice resort to the customer.

bribes!

Formation of the Committee of Fifteen with Rosenwald as chairman and Samuel Thrasher as manager had apparently meant nothing to the vice lords, for their activities only spread farther and farther and became more and more open.

The Juvenile Protective Association learned of the slavery 14, 15, 16 and 17 year old girls and immediately started to find out why and to attempt to answer the muchly jockeyed question, "Who is responsible?" To make sure they were not double crossed they sent to New York

for a trained investigator.

Investigator Kinsey who has been the star witness of the present probe, arrived in Chicago with no previous knowledge of the city. Where Chief of Police Fitzmorris and all his men State's Attorney Robert Crowe and all his henchmen and Julius Rosenwald and his Committee of Fifteen with its battery of sleuths had found only "traces" of "casual vice" Kinsey in 20 days found:

Two hundred vice houses conducted on business principles in charge of Negroes, with white girls for sale.

Twenty five streets on which vice openly flaunted itself.

Eighteen cabarets run by Negroes but crowded with white women.

Twelve saloons where the bar keeper after selling a drink voluntarily recommended some vice resort to the customer.

Thirty three "hotels" devoted to vice.

Dozens of street corners picketed by "capers" who sought business for neighboring vice resorts, openly and in the hearing of policemen.

Another outside investigator sent over the same route checked up Kinsey's work and confirmed it in every respect. Later a third investigator from a third city was brought in to check the first two—with the same result.

All this was found in a city where the civilian anti-vice Committee of Fifteen under the chairmanship of Julius Rosenwald and through its mouthpiece, Samuel Thrasher used a horn to tell the world that the police department under Chief

Fitzmorris had the vice situation well in hand and only sporadic and spasmodic violations could be found.

With its thrice confirmed information the Juvenile Protective Association went before Chief Justice Michael McKinley of the criminal court, with a petition asking that the grand jury investigate vice, which, it declared "openly and flagrantly existed under the protection of politicians, wealthy private citizens and the police department."

Judge McKinley a fearless judge who has had to play a lone hand immediately granted the petition and charged the jury to investigate.

For two nights virtually every resort in the city closed. Then a notorious resort, protected by one of the highest officials in the city, announced that it was again ready for business. Soon all the places were open again and many are open today—open because word went out from the office of a state official that the investigation would be choked, that it would be a farce that only a few minor persons would be hit and that they would be protected from punishment other than indictment! This word went out officially through an official but this official did not correctly reckon the backbone and grit of Judge McKinley nor the calibre of some of Chicago's real leaders.

Obstacle after obstacle being placed in Judge McKinley's way He has received death threats His private telephone wires tapped He is shadowed everywhere he goes. Anonymous letters, as foul and villainous as they are untrue are sent to his family. Through it all he has stood pat He says nothing, except that the investigation is going to get results in the end no matter what happens to him or whom it hits. In the criminal court building he is playing a lone hand, but outside the judge is going to receive help.

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CRAZED NEGRO ATTACKS NURSE AND STABS HER

Captured, Says He Doesn't Know Why He Did It.

Commercial Appeal
(By Chicago Tribune-The Commercial Appeal Press Wire.)
CHICAGO, May 17, 1923.

In view of scores of pedestrians, Anton Grey, 23, a negro supposed to be insane, stabbed Miss Lydia Saironen, 32, a nurse at the contagious hospital. A taxi driver captured the negro and the nurse was taken to a hospital where surgeons extracted a six-inch knife blade from her neck. It narrowly escaped severing the jugular vein and she may recover despite several stab wounds in the shoulders and breast. She had just emerged from Methodist church services when she was accosted by the negro, who asked her what car he should take to reach Whiting, Ind., where he is employed as a cook by the Standard Oil Company. She indicated an approaching car and turned away. Instantly he drew the knife and began cutting her.

Asked tonight why he attempted to kill her he said: "I don't know why I stabbed her. God alone knows."

CLEANING UP CHICAGO

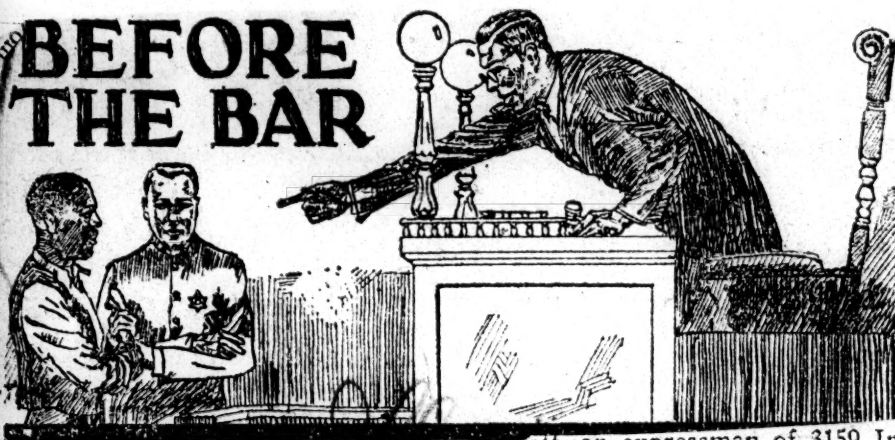
MAYOR DEVER seems sincere in his desire to rid Chicago of gambling dens, houses of ill-fame, questionable dance halls and cabarets, pickpockets, hold-up men, automobile thieves and gentry of this ilk, and has given orders to Chief of Police Collins not to let up on the crusade until the "Windy City" is as shy of these evils as a bullfrog is of feathers. The chief has made an excellent start in dismissing some of his own force who were found to be deficient in the discharge of their duties or who were suspected of protecting the lawless and sharing in the fruits thereof.

IT IS an undeniable fact that the police force has been open to the accusation of being recipients of "tainted money." In all such cases where the proof is positive or the presumption is conclusive the men should be dropped from the force. Those who are crooked themselves cannot be utilized to point out and detect crookedness in others. With an incorruptible police force the questionable places can be easily located and wiped out.

WE REPEAT our assertion made in a previous issue that this paper stands ready to lend its influence and support to the efforts made by our administrative officers in their laudable attempt to wipe out crime and vice, provided their efforts are not restricted to any particular locality or confined to any group of our citizens. In other words, we are opposed to making fish of one and foul of another.

MUCH ADO in the past has been made about cabarets where black and white have met on terms of equality. In the opinion of some the mingling of the two races was more criminal than the acts of which they were presumed to be guilty. Wherein lies the distinction between a white and a black criminal? From accounts which appear in some of our daily papers concerning "black and tan" cabarets one would be led to believe that the white proprietors of the South Side's "black and tan" cabarets were instrumental in inducing innocent and harmless (?) white girls from other exclusive sections of the city to frequent their places of business.

THE TRUTH IS that these so-called innocent white girls were hardened sinners long before they were brought into contact with the South Side cabarets and need no sympathy from those engaged in protecting the innocent from contamination with the guilty. These women find their way into bad places just as water seeks its level. We are heartily in favor of and strongly indorse the efforts of the new administration to rid Chicago of crime and vice in every form, provided the same is made applicable to all guilty persons, showing partiality to none.

BEFORE
THE BAR

Wednesday afternoon Officer Rogers arrested Fred Williams of 4001 Grand Boulevard for assault with a deadly weapon on Huston Boyd, of 24 East 44th Street. The case was continued to Sept. 19.

Allen Williams, suspected pickpocket, was arrested by Officer Gagnane and taken before Judge Trude in the Harrison Street Court Saturday morning, where he was put under \$500 bonds. The case was continued to Sept. 19.

On a north bound Halsted Street car Friday morning, Clinton Adams, an alleged pickpocket, was arrested and taken before Judge Trude in the Harrison Street Court Saturday morning, where he was fined \$10 and costs.

Miller Yates, of 70 East 28th Street, was put on probation for one year and ordered to pay a fine of \$25. Through the generosity of the court he is allowed to pay \$5 monthly. He was arrested for assault and battery.

Mrs. Etter Hampton, of 2964 Vernon Avenue, arrested Saturday night by Officers Zorlinga and Lee, as keeper of a disorderly house, was discharged by Judge McKinley of the Harrison Street Court.

Florence Frazier, of 1900 Carroll Street, wanted in the state of Oklahoma for murder, was granted a continuance to Sept. 18.

Tom Watts, arrested by Officer Barnes of the Cottage Grove Station for disorderly conduct, was fined \$10 and costs by Judge McKinley of the Harrison Street Court.

On complaint of Mr. Gordon (White) of 349 E. 31st Street, Officer Green arrested Kelley Smith, of 916½ Market Street, Waukegan, Ill., for window smashing at 31st and Calumet. He was fined \$100 and costs by Judge McKinley of the Harrison Street Court.

Louis Halbirson (White), Robert Dupond and Harris Reed were arrested Saturday night at 29th and Dearborn Street by Officers Coleman and Howard as suspicious characters. Reed was charged with carrying a concealed weapon without license and held for an investigation. Halbirson and Dupond were discharged by Judge McKinley of the Harrison Street Court.

Tuesday night Ralph Spinners, owned by himself, but loaned out to Mark Hannah and Rufus Starks were Powers. Powers charged that Gates picked up by the "flivver squad" at the corners of State and 31st Streets. Hannah was fined \$100 and costs for carrying concealed weapons, the others were dismissed Thursday morning by Judge O'Connell.

Miss Ruth Bonaparte (white) was arrested Monday night at 35th and Indiana charged with peddling dope. Wednesday morning in Judge Trude's court she pleaded not guilty. The case was carried over to the grand jury.

Clarence Smith was arrested last Wednesday night by Officers Thompson and Williams charged with dope peddling, at 31st and State Streets. Smith was held over to the grand jury by Judge Trude.

Albert Adams, 11 E. 28th Street, pleaded guilty to the charge of carrying concealed weapons in the Harrison Street court last Friday, it being his first time in court, Judge Trude fined him \$25 and costs. Adams had the gun separated and was taking it home.

Last Thursday morning Leroy Brown was fined \$5 and no costs by Judge O'Connell for refusing to move when told to do so by Officer Thompson.

Mrs. Virginia Crosby, arrested for forgery, was placed on probation by Judge McKinley of the Harrison Street Court.

Wednesday night Fred Pryor, Will Carter, Lester House and Frank Mayo were arrested in a pool room on South State Street. The men were sitting at a table with cards and 90 cents on the table. When the officers entered the place all attempted to run. They were dismissed for lack of evidence.

Elmer Smith, a pickpocket, was in court Thursday morning on a charge of having been caught in the act of picking Fred Wilk's pocket on a south-bound State Street car Wednesday night. It was the second time in a week that Smith had been before Judge O'Connell. He was fined \$20 and given 30 days in jail.

Henry Pinkney was arrested Wednesday night by Officers Williams and Thompson at State and 31st Streets for peddling dope. The case was carried over to the grand jury.

Officers Hegeman and Williams of the Cottage Grove Station arrested Miss Ora Hampton (colored) and Gus Barkton (white) at 29th and Dearborn for arguing on the streets at 2 a. m. Barkton was fined \$5 and costs in the morals court Saturday morning.

Friday night Nathan Parker and Olie Philips were arrested for being intoxicated on a lawn at 37th Street and Indiana Avenue. Each were fined \$1 and no costs in Judge Trude's court Saturday morning.

John Gates, owner of a garage on South Wabash Avenue, was in court Thursday morning on a charge of having stolen a battery from a Nash car

Line, charged with attempt at larceny and sentenced to three months in the House of Correction by Judge McKinley of the Harrison Street Court.

NEGRO FIRES ON CHILDREN

Clubhouse Watchman Resents Invasion of Nursery "Army."

CHICAGO, July 9.—Archie Heinz, negro watchman of the Illinois Sportsman's Club, and some 20 shots from a revolver at invading forces composed of 100 children drawn up in a nearby vacant lot before police reinforced them and put an end to the affair by taking him to jail and to the local steps to the club. The day nursery, having been held up by an injunction Miss Beatie Berliner, the superintendent, this afternoon moved upon the premises with her charges and a truck load of bedding. Her assaults on the doors and windows annoyed the lone defender, who presented them with his revolver. After the battle, Miss Berliner and her "army" took possession of the club.

Vice on Vacation
From Conventional
Conventions Professor

10-10-23
Springfield, Ill., October 9.—(By

the Associated Press.)—Vice is a vacation from the conventional, according to Dr. Robert E. Park, of the University of Chicago, who addressed the tenth national recreation congress here this morning. Vice is resorted to, he stated, because all the native impulses of the ordinary, healthy human are out of harmony with the demands which society imposes.

The original Washington state playground law, passed in 1905, opposed by real estate men, and vetoed by Governor Mead, now is being promoted by eastern realtors, Judge Austin E. Griffith, of the Washington state superior court, told the congress.

The law, which was drafted by Judge Griffith and used as a model in other states, provided that 10 per cent of all future subdivision lands should be devoted to playground purposes. Mr. Griffith announced that William E. Harmon, prominent realtor, was leading the movement to have the idea more generally adopted.

Chas. Johnson, arrested Sunday night by Officer Woodarch and charged with carrying a concealed weapon, was discharged by Judge McKinley of the Harrison Street Court this morning for lack of evidence.

John Lane, of 2808 Indiana Avenue, was sentenced to 30 days in the house of correction by Judge McKinley of the Harrison Street Court for violation of probation.

J. Patten and A. Leonard, of 3322 Wabash Avenue, was arrested by Sergeant Scandle for having moonshine in their possession, Saturday night. Patten was fined \$5 and costs and Leonard \$50 and costs by Judge McKinley of the Harrison Street Court.

W. Smith, of 2152 Vernon Street, was arrested by M. Cosgrove (white), special police for the Chicago Surface

Crime - 1923
NEGROES ARE LAW-ABIDING.
Wichita, Kansas, Crime Expert De-
clares.

ALIBI PROVES PENNINGTON

NOT GUILTY.

ACCUSED BY STREET CAR MO-
TORMAN OF HOLDING HIM AT
TWO DIFFERENT TIMES.

Special to The Star:
Wichita, Kansas
(By Ernest F. Jones)

LEAVENWORTH, KANS., Aug. 31.—
Once more a white man loses, he
missed his guess, that's all, he was
not down in Mississippi.

In the City Court before Duke
Hooper Judge pro tem, Thursday,
Aug. 16th, an alibi proves Fred Pen-
nington not guilty of robbery as sus-
pected. He was accused by F. Bald-
win, motorman on an Ottawa Street
car of having held him up on the
night of July 30th, \$18.65.

Baldwin on the witness stand de-
clared Pennington to be the man be-
cause the man who held him up was a
colored man with a distinct Roman
nose; this, Pennington has, of course
Baldwin imagines that no other col-
ored man has a Roman nose, if the
hold-up man was colored.

Baldwin was also held up on June
20th, Pennington was that man too.
Pennington's alibi was that he was
at home asleep in bed at 11:30, his
wife substantiated that by testifying
that she opened the door for him be-
tween 10:30 and 11:00 o'clock. Three
other witnesses testified that they saw
him at his home around that time;
and that he could not have been at
home and at the end of the car line
too on Maple Ave. Hooper dismissed
the case.

(WRITER'S NOTE)—It must be
noted that on the night of June 20th,
when Baldwin says he was held up
that it was about 5:30 in the evening
at the Federal Prison Car station,
when there were guards around and
about and as the motor-man says the
hold-up man went on thru the prison
grounds toward the corn field West,
that if he had given the alarm, the
guards would have had the hold-up
man, if there was one, also two men

on the car and two or three waiting
to get on, when the car pulled in, and
all in hearing distance, none aware
of a hold-up and Baldwin says the
man stuck the six to his side with it
in his coat pocket, as the car stopped
where the men were standing and the
other men got off at the opposite door.
The second hold-up Baldwin says
was at 11:30 at the South end, no one
happened to have been on the car ex-
cept the motorman and at that time
there is always someone making the
last car. Then it was August 1st be-
fore Baldwin saw his man with the
Roman nose and Pennington had
never been out of town during that
time. It's kind of fishy, isn't it?
Looks as if the motorman might have
held himself doesn't it? Sticking a
man in the pen just because one white
man says he's the man who did it,
doesn't go in Kansas as it might have
been in "p-----"

Kansas.

Extracts from a statement made
by C. C. Ellis, Bertillon Superinten-
dent in the Wichita, Kansas, police
department, and published in the
Wichita Beacon Sunday Magazine
of February 18 were quoted today
by the National Association for the
advancement of colored people, 70
Fifth Avenue, New York, as show-
ing the expert's tabulation that
fewer Negroes than white people
were arrested for serious crime.

Mr. Ellis' figures show that 560
persons were arrested during the
year for serious crime, of which only
38 were Negroes. He is quoted as
saying: 3-10-23

"Of course we arrest a much
larger proportion of Negroes than
that, but most of them are in for
petty crimes which do not warrant
making finger prints and 'mug-
ging' them. You would be sur-
prised, however, to find how law
abiding the Negroes of the city
really are. Many people think them
a turbulent element. As a matter
of fact, we do not have as much
trouble with them as with certain
classes of whites."

Only fifty-six of the prisoners
were women, of whom only two
were colored women.

Crime - 1923

Kansas.

DEAD BLACK BANDIT *Afro-American* PROVES TO BE WHITE *Baltimore, Md.*

White High School Boy
Used Charcoal to Make
Himself Appear

2-16-23
LOOTED GASOLINE STATIONS

Got Off With \$22; Battled
With Police Until Shot
Dead

Kansas City, Feb. 15 (Crusader Service)—His face smeared with charcoal and his body clothed in overalls and a jumper, Ray C. Bishop, 19, white, student and member of the Central High School football squad, turned bandit last night, robbed two gasoline filling stations of approximately \$22 and was shot to death in a gun battle with a policeman after wounding the latter.

Lawrence W. Ferguson, 25, chauffeur at the Sheffield Police Station, wounded by the youth, is in the General Hospital with a bullet in his groin. He will recover.

Through tear-dimmed eyes, the gray-haired mother, Mrs. William H. Bishop, looked at the black smudged face of her son two hours after the tragedy.

"I can't believe it is my boy," she said brokenly. "He was too good for that." The news came to Otto Dubach, principal of Central High School, as a shock. His voice grew husky as he narrated the virtues of young Bishop, whom he characterized as "a splendid type of young manhood, rugged, bashful, athletic, studious and loved by his companions."

Yet on the desk of the Sergeant at the Sheffield Police Station lies a .32 calibre revolver taken from the lad's pocket, a jumper and a pair of overalls, the former stained with blood, which he wore when he fell—and \$22 in bills.

And in the General Hospital, Ferguson, bullet through his right groin and the red streak of another across his chest, testifies between groans that Bishop fired first.

WHITE BANDIT BLACKS FACE IS SHOT TO DEATH

Baltimore, Md.
Commonwealth
Kansas City, Mo., High School

Student Impersonates Negro
To Commit Crime

2-21-23

Kansas City, Feb. 14.—His face smeared with charcoal and his body clothed in overalls and a jumper, Ray C. Bishop, nineteen, white, student

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Crime — 1923.

Kentucky.

N. Y. C. SUN

SEPTEMBER 4, 1923

Free Convict and Guard In Teacher's Murder

HARLAN, Ky., Sept. 4.—John Marcum, former convict road camp guard, and James Robinson, negro former convict, stood cleared to-day of charges of murder in connection with the death of Miss Lura Parsons, teacher in the Pine Mountain settlement school, who was attacked and slain as she traveled the lonely trail over Pine Mountain in September, 1920. Indictments against Marcum and Robinson were dismissed in Circuit Court, when it was said sufficient evidence to warrant trial had not been obtained. The case of Jerry Reed, negro, former convict, was transferred to the Madison Circuit Court and his trial docketed for October 15.

New Orleans Jury Returns Verdict of Guilty in Case of Men Who Shot Dr. Eason, Former High Official in Garvey Concerns.

New Orleans, April 7.—A verdict of manslaughter was returned by a jury yesterday in the case of William Shakespeare and Constantine Dyer, two followers of Marcus Garvey who were tried for killing the Rev. J. W. H. Eason, an opponent of Garvey and one of the principal witnesses who were to have testified against Garvey in the Federal case charging him with fraudulent use of the mails. Dr. Eason was fatally wounded following a church meeting January 1, at which he spoke against Marcus Garvey.

Eason was formerly a supporter of Garvey but following Federal indictment of Garvey on the charge of fraudulent use of the United States mails left the Garvey organization and publicly condemned Garvey as an embezzler of funds of the Universal Negro Improvement Association of which the latter is head.

New York, April 7.—The news of the verdict of manslaughter against the two Garveyites, Shakespeare and Dyer, was received here with general commendation by those who have followed the Garvey movement closely and remember how often through the columns of his paper, The Negro World, Marcus Garvey has threatened with sudden destruction all who opposed his wild ideas and impracticable commercial schemes. It is remembered that such men as W. A. Domingo, Cyril V. Briggs, Richard B. Moore, A. Phillip Randolph, Dean Pickens, and others, were often referred to in the Garvey paper in terms of more or less veiled threats. It is the general opinion here that Garvey and his lieutenants have very often indulged in deliberate and malicious incitation of their followers to acts of violence.

CITIZENS SAY COP BRUTALLY BEAT WOMAN WITH CLUB

The New York News,
(Wonder City News Service)

NEW ORLEANS, La., Aug. 25.—Charges that Supernumerary Patrolman John Dryer beat Mildred Pickett, 20 years old, 820 Dryades street, in arresting the woman the other night at Baronne and Lafayette streets were made by four witnesses at police headquarters shortly after the woman was taken into custody. The witnesses who asserted the woman was mistreated were Louis Gebbs, 922 Fourth street, superintendent of construction at the Hibernian Bank building; Mrs. Gebbs, his wife; Chester Dagley, 8222 Belfast street; Arthur Kleinschmidt, 2258 Carondelet street. The witnesses said the officer beat the woman with a stick, knocked her down and otherwise mistreated her.

Patrolman Dryer denied he had struck the woman or in any way had mistreated her. He said he went to the soft drink stand at Rampart and Lafayette streets with Captain Smith and Patrolman Holliday in search of a woman wanted for a robbery. Three women were found in the place and all of them were placed under arrest, he said. Dryer said Mildred Pickett attempted to escape and ran several blocks before he overtook her at Baronne and Lafayette streets, where the witnesses said the woman was beaten. He said the woman fell from exhaustion and began screaming she was hit.

The woman was taken back to Lafayette and Rampart streets and from there taken to the Charity Hospital, where Dr. Stein and Dr. Loria reported she was uninjured. She was taken to police headquarters, where she was charged with violation of the moral code. Captain Smith said he did not

see the incident and that he will continue the investigation and report to Superintendent Molony later.

New Orleans Negroes Fight Vice.

The Interdenominational Alliance, representing one hundred and fifty negro churches and a constituency of 100,000 members in New Orleans, has entered upon a crusade against vice in that city. The chief of police has been appealed to for aid. The fight is especially against dance halls and gambling houses and the desecration of the Sabbath.

The object in this crusade is "to give the youth of the city a chance to live clean lives." These negro preachers are to be commended. But what is true of them is generally true of negro preachers so far as we know them, and we think we know them pretty well.

NEGRO BELIEVED TRAPPED IN MAZE OF MURDER FACTS

Accused of Assassinating Baton Rouge Patrolman in September.

Baton Rouge, La., Dec. 9.—Willie Price, known as Sam Price, is being held by the city police department here on a chain of circumstantial evidence to the effect he is the negro who killed Joe Merino, a policeman, on the morning of September 13.

Price has failed to show his whereabouts on the night of the killing, following his flogging a negro woman, and for which he was being sought during the early part of the night of September 12 by Merino. His sister has admitted to Chief of Police Strenze that Price came to her home some time during the night of the killing and changed his clothing. A revolver recovered today answers the description of the one Merino was shot with and the negro fits the description given by the patrolman to the chief of police as he was dying. The chief was in the neighborhood of the pulace Merino was killed. He rushed the dying man to the sanitarium and it was on the way there that he described the assassin.

Friday afternoon a hacksaw was found in the possession of Price in the city jail, where he was being held on a charge of stealing a suit of clothes. Other prisoners say Price was intending to saw his way out of jail.

Crime — 1923.

Louisiana.

NEW ORLEANS LA ITEM
MARCH 16, 1923.

Negro Is Shot In Pistol Duel With Policeman

Engaged in a pistol duel with one of two negro boys who are alleged to have broken into a refrigerator outside the grocery store of Leo Holzen-thal, First and South Franklin streets, Friday morning, Police Corporal Henry Nelson wounded one of them who proved to be unarmed, while the other who had opened fire on him first, escaped.

The policeman lives at 2321 South Franklin street. At 2:15 o'clock he heard a noise outside his house. Investigating, he discovered the negroes near the ice-box. When he approached one of them opened fire and the battle ensued.

The boy who was shot was Felix Carrie, 16 years of age, 2118 Second street. He was wounded in the thigh and at Charity hospital his condition was said to be not serious.

The boy who escaped is Dan Morris, about the same age as his companion. Morris recently escaped from the Negro Waifs' home, according to Carrie, who said Morris was armed.

Various articles of food were found on the side-walk near the ice-box.

Patrolman Alfred Elliot and several citizens went to offer aid to Corporal Nelson.

Crime — 1923.

Massachusetts.

PRINCETON, MASS. EVENING
MARCH 14, 1923

Claims Negro Beat Him and Took \$52

West Side Man Brings Com-
plaint Against Ford; Latter
Held in \$1000 Bail.

Charged with assaulting and rob-
bing Louis Savage of West Spring-
field, James Ford, 32, a Negro living
at 99 Sharon Street, was arrested at
that address at 2.40 o'clock this morn-
ing by Sergt. Harley Blodgett and Of-
ficers French and Hammond of the
vice squad. When arraigned in Dis-
trict Court Ford pleaded not guilty
and was held under bonds of \$1000
for a hearing March 20.

The vice squad men were making
their regular rounds of the Sharon
Street district early this morning
when Savage ran up to them, hatless
and showing signs of rough treatment,
and said that he had been robbed of
\$52 in Ford's place. The officers ac-
companied Savage to the house and
there Ford was positively identified as
the man who assaulted him and took
his money.

Savage said he was passing the
house when a colored woman invited
him inside. He accepted the invitation
and when he got inside Ford struck
him in the head, knocking him down,
and then searched his pockets, taking
all of his money. After the assault
and robbery, he said, Ford kicked him
out of the place.

Ford was recently convicted in Dis-
trict Court on a charge of attempting
to shoot another Negro named Wil-
liams at the notorious resort in Sharon
Street conducted by "Slick" Collins,
receiving a sentence of two years in
jail. He is now under bonds for ap-
pearance in Superior Court on appeal
from the sentence.

Crime - 1923

Crime Publicity.

Mr. C. T. Thomas, 1515 Presstman street, writing in last week's AFRO-AMERICAN, expresses the view that Negro journals should not publish crime stories deprecatory to the race.

This is the well-meant opinion of a number of men and women who do not fully understand the dynamics of public opinion.

There is nothing which more effectively retards wrong doing than publicity. There is nothing that men and women regard more seriously than public opinion. Many people would not mind the punitive fines or even terms in prison which follow criminal acts if they only could escape publicity.

Then there is a more serious aspect that comes in for consideration. Crime is a social disease that affects the whole group. The crime condition should be kept constantly in the minds of leaders in order that efforts to combat it are not slackened. To keep the wound open is the best cure for a disease that may secretly poison the whole structure.

15-MINUTE TRIAL

TO BE REVIEWED IN SALISBURY MONDAY

Salisbury, Md., March 8.—Whether or not a Justice of the Peace can convict and sentence prisoners to the House of Correction in a 15-minute trial will be determined Monday in Circuit Court.

The case is that of Walter Mapple and Guy Collins, of Crisfield, who were charged with carrying revolvers before Justice of the Peace Fred. Holland, white, in Crisfield. In 15 minutes after their arrest, it is said, both men were sentenced to twelve and six months in the "Cut."

Under a writ of habeas corpus and certiorari procured by Attorney Geo. L. Pendleton of Baltimore, the case will be appealed to the local Circuit Court. Both men, it is said, pled not guilty to the charge when first tried by Holland, and were not allowed time to secure witnesses or counsel.

EMPLOYS COLORED ATTORNEY

Another case which is arousing interest is that of Robert Bishop, white, who is under sentence for having committed an assault, but may go free because of a flaw in the verdict rendered by the jury. Mr. Pendleton is also his attorney.

Bishop was indicted on two counts: 1st, assault with attempt to kill; 2nd, common assault. In bringing in its verdict the record shows the jury declared Bishop guilty on the second count and said no more.

His counsel will claim that under the law the verdict should have been "Not guilty on the first count,

guilty on the second." Both Judges Bailey and Duer will sit in these cases.

Maryland

"Good Morning Judge"

"Every Body Shut Their Eyes"

When Mrs. Sarah Winters, 364 Bethel Street, boarded a North Avenue street car Sunday morning at 2:00 A. M., men and women passengers did not know that they were in for one of the greatest surprises of their lives.

After the car had proceeded two blocks she suddenly broke the early morning silence by shouting out "Everybody shut their eyes."

Then things began to happen so fast that even the conductor had to rub his eyes to make sure he wasn't passing through a dream. Mrs. Winters arose and began to carefully undress and lay her clothes, piece by piece, on the back of the seat in front of her. Without the slightest hesitation she continued this procedure until there was not a piece left and then she drowsily said good night as she laid her head down on the seat.

"Good night is right," said a number of astounded ladies on the car while the conductor made frantic efforts to convince Mrs. Winters that she was not in her bedroom. As a last resort the car stopped and an officer from the Northwestern Police Station called who took Mrs. Winters to the station.

Here, it was found that she had imbibed too freely of a concoction that flowed at a midnight party and it had completely knocked her out. The matron took her in charge until she thawed out.

Bigger Streets Are Needed

Miss Ida Bell, 425 E. 23rd Street, will be in continuous trouble until they build larger streets in Baltimore.

Ever since there arose a little bad feeling between her and Miss Mattie Cunningham, 508 W. Biddle Street, when the latter was most successful in an affair involving the same sweetie, the streets of Baltimore have not been big enough for them to pass each other. On Sunday night they met accidentally and Miss Bell snatched off a considerable portion of the new dress the former was wearing. She was fined \$25 and costs.

He Outran His Memory

When on Sunday night police headed off a white streak in the neighborhood of Biddle street, investigation proved it to be Elijah Hollis, 1557 Argyle. When questioned at the police station Hollis couldn't tell where he was running from or where he was running to. He had not only left the greater

portion of his clothes behind but his mind and memory seemed to have been forgotten in his hasty exit.

Incoherently he told Magistrate Ranft that he was a stranger in town, that he had gone into a house and something about a lady and a fight here his became blur. He is being held at the western station pending further developments.

Judge Had His Say Too

Mrs. Corrine Robinson, George street, had her day and say in court Monday. As a result she contributed \$15 to the public domain.

After evidence had been piled up against Mrs. Robinson showing that she had wrecked the front of the George street place in an effort to straighten out matters with her once time "sweetie" and had smashed in a large window with a brick, she took the stand and insisted on having her say.

"Judge," she protested, "them's nothing but lies for I did not knock that glass out with a brick, no such a thing. I used my fist and you can see the scars on it now," she said holding up a much scarred hand.

"And further more Judge, I want to have my say. There would have been no trouble around there if they had let me in."

"Well, is that your say?" asked the Magistrate.

"Yes, it sure is," replied Mrs. Robinson.

"Well, \$15 and cost is my say," replied the judge as they took her back.

FINED FOR DISORDERLY CONDUCT or disturbing the Peace—Joseph Miller, 848 McKim street, \$25; George L. Gaugh, 19 N. Spring St., \$10; Christopher Fields, 1649 Milliman street, \$5; William Cullen, 607 N. Front street, \$25; Charles Easton, 933 Herbert Court, \$5; Samuel Thompson, 914 Rutland avenue, \$20; Josephine Hudgins, 1418 E. Lexington street, \$10; Ethel Collins, 1504 Mulliken street, \$25; James Summerville 306 N. Ann street, \$10; Helen Thompson, 809 N. Bond street, \$5; Vergie West, 813 N. Eden street, \$5; Samuel Jackson, Catonsville, \$1; Bob Wells, 921 Forrest street, \$2; Donald Davis, 1132 May street, \$5; Catherine Davis, 1132 May St., \$5; Marshall Jackson, 1025 Hillen street \$10; Edith Thomas, Love Grove, Ala., \$10; Richard Hill, 561 Mosher street, \$25; Lillian Jackson, 2420 N. Stockton street \$1; John Prather, 722 N. Vincent street \$10; Annie Hall, 572 W. Preston street, \$1; Irene Hall, 572 W. Preston, \$5; Howard Robinson, 584 Oxford street, \$25; Rachel Anderson, 3410 Koaksley Road, \$25; Izetta Hall, 622 W. North street, \$25; John Holly, 209 Elder Alley, \$25; Wallace Hall, 1324 Pennsylvania avenue, \$25; Joseph Mitchell, 1420 McCulloh street, \$5; Abraham Pitts, 925 Jordan Court, \$25; Francis Cook, 925 Jordan Court, \$25.

ARRESTED FOR ASSAULT, CUTTING or shooting—James Jackson 1731 Maryland avenue, \$5; Eunice Kensley, 1832 N. Spring street, \$25; Chester Brooks, 839 Vine street, \$5; Wilson Thomas, 326 1/2 S. Caroline street, \$25; Eliza Davis, 813 Prestman street, \$50; Andrew Henderson, 1119 Thompson street, \$20.

HELD FOR LARCENY, ROBBERY or Burglary—Leo Watts, 1114 Argyle avenue; Howard Robinson, 584 Oxford street; John Holley, 809 Elder Alley; Joseph Mitchell, 1420 McCulloh street; Lester Brown, 304 N. Eden street; Roger Williams, Lemmon street; John Carter, 229 S. Durham street; Walter Rowe, 771 W. Saratoga street; Allen Morse, 1920 Druid Hill avenue.

ARRESTED FOR NON-SUPPORT—Louis Cooper, 1342 Argyle avenue; Benjamin Bradshaw 1169 Law street.

CHARGED WITH RAPE OR CARNAL Knowledge—Robert L. King, Washington; Jacob Purnell, 1039 N. Eutaw street; Clarence E. Thomas, 609 N. Paca Street.

Morning Judge

He Was From St. Louis

Everybody Gets Satisfaction

Magistrate Seeks An Honest Man

He Was From St. Louis

Joseph D. Smith came all the way from St. Louis to show the world that no policeman could get smart with him. Mistaking the steps of the Colorado High School for a davenport, Joseph laid down for a siesta on Saturday night. An officer happened along and attempted to wake him up, whereupon it was testified he squared off and remarked: "No damn policeman can wake me up and get away with it. I'm from St. Louis, get that?" When he faced Magistrate Ranft on Sunday morning at the Northwestern Station he repeated his assertion, and after admitting that he was broke, was surprised to hear His Honor make the following statement: "Thirty days, and see if we can't get away with that."

Everybody Gets Satisfaction

Ida Wright became tired of being followed around and having her life threatened, so she caused the arrest of one Thomas Burton, 1213 Harlem avenue. She told Magistrate Ranft that Burton had sent her a letter, stating that she had a short road to travel, and told her personally that he was going to send her where her mother was.

She said that her mother had been dead two years. It was testified that Ida and Thomas had been friends for six months, when they fell out. Thomas insisted on getting some kind of satisfaction, the nature of which the woman was ignorant. Thomas claims that she came to his room every other night. To this she replied that he wanted to find out what kind of satisfaction he desired, and have the matter settled.

His Honor settled the matter to the satisfaction of all when he fined Thomas \$5 and warned him to stay away from Miss Ida.

Magistrate Seeks An Honest Man

Out of eleven men brought before him at the Northwestern Police Station on Sunday morning, Magistrate Ranft failed to find an honest one to his satisfaction.

Policemen entered a house at 1337 Stricker street, and there found twelve good men, and true, surrounding a table under suspicious circumstances. The officers say they were treated to an excellent exhibition of sleight of hand, stating that they never saw a pair of ivory dice disappear so mysteriously, in company with a man who used the cellar exit.

The other eleven were hailed into court, where they denied any association with any dotted cubes.

"Well, what were you doing around that table?" asked the Judge.

quart of hicker," answered one of the men.

"I'm looking for an honest man," smiled His Honor, and singled them out one at a time, remarking, "You look like an honest man. Were you shooting crap?"

But all maintained that they were making up enough money to buy a quart of liquid dynamite.

"Not an honest man in the lot," sighed the Judge. I was going to fine you \$1 and costs, but I can't let such liars off on less than \$5 and costs."

Those fined were Richard Mack, 1337 Stricker street; Walter Harried, 2402 Druid Hill avenue; Gus Holland, 560 Gold street; Leroy Brown, 1150 Calhoun street; Allen Lee, 1711 Brunt street; Argie Dennis, 548 Gold street; George Hawkins, 919 N. Stricker street; John Talbot, 1355 Whatcoat street; Fred. Randall, 540 Gold street; George Thomas, 1116 N. Calhoun street, and Edward Thomas, 1116 W. Saratoga street.

FINED FOR DISORDERLY CONDUCT—or disturbing the peace. Maggie Gross and Benjamin Streams, 817 N. Bruce street, \$5; John Taylor, 932 Woodyear street \$5; Lucy Waters, 1203 Upton street, \$2; George Brooks, 705 Rahorg street, \$2; Frank Smith 1127 Shields Alley, \$2; Basisio Gamboa, 526 St. Marys street, \$1; Spicer Laws, Charles Robinson, 1026 Penna Ave.; Wm. Bagwell, 108 N. Vincent street, \$1; Wm. Ringgold 1411 Brunt street, \$1; Bernard Smith, 1622, Puce street, \$1; Edward Williams, 523 Numsen street, \$10; Grace Thomas, 1641 Vincent street, \$5; Nora Simial, 1107 Lexington street, \$5; Marshal Milbourn, 1414 N. Mount street, \$2; Harry Reynolds, 1056 Argyle avenue, \$5; John Moron, 764 Waesche street, \$2; John Matthews, 532½ Greenwillow street, Edward Lyons, 7 Quay Alley, \$1; Paul Corridor, 7 Quay Alley, \$1; Albert Ebron, 7 Quay Alley \$1; Hadden Winston, 645 George street, \$5; Edward Tydings, 828 Rahorg street, \$5; Mary Hill, 536 W. Saratoga street, \$5; Nathan Johnson, 817 W. Ostend street, \$1; Andrew Bailey, 311 N. Poppelton street, \$5; Louise Johnson, 817 Ostend street, \$1; Maud Lacy, 332 Dover street, \$5; Wesley Boulden, 207 N. Pine street, \$5; Jesse Crowthers, 714 S. Charles street, \$1; Charles Tucker, 15 E. Hughes street, \$25; William Caraway, 913 Sharp street, \$5; Edward Thornton 1629 Mosher street, Camilla Martin, 152 Hamburg street, \$1; Lena Mason, 45 E. Hughes street, \$1; Isaac Smothers, 45 E. Hughes street, \$1; Nathan Gross, 909 Warner street, \$1; Arthur Carr, 1006 Creek Alley, \$1; Oscar Green, 917 Peach Alley, \$1; Benny Hillis, 8 W. Hughes street, \$1; John T. Davis, 422 W. Hamburg street, \$1; Basley Randolph, 422 W. Hamburg street, \$1; Ida Keys, 11 W. York street, \$5; Sarah Luckett, 14 W. York street, \$5; Josephine Williams, 614 S. Entaw street, \$1; Madeline Watson, 606 Stump Alley, \$2; Charles Pjater, 813 Peach Alley, \$2; Elizabeth Godfrey, 741 W. Franklin street \$1; Chas. Addison, 311 N. Pine street, \$1.

ARRESTED FOR ASSAULT, CUTTING, or Shooting—Mamie Matthews, 532½ Greenwillow street, \$5; Edgar Livers, 715 Dover stre, \$10; Robert Reil, Washington, D. C., \$25; John Whiting, 733 Vine street, \$25; William White, 634 Pierce street, \$5; Adam Kosmo, 1615 Shakespeare street, \$10; Phillip Randall, 426 N. Pierce street, \$10; Jeanette Kyler, and Lillian Brooks, 26 N. Amity street, committed in default of

\$1,000 bail.
DRUNK—Joseph Jones, 314 Myrtle Ave., \$10; Basil Powell, 746 Pierce street, \$1. Malton, 811 Peach Alley, \$1; Mildred Johnson, 7 Quay Alley, \$1; Annie Mason, 7 Quay Alley, \$1; Arthur Anderson, 224 Browns Court, \$10; Sadie Phillips, 634 Burgundy street, \$10; Mamie Smith, Washington, D. C. \$10; Charles Saunders, 517 Green street, \$1; Cecil L. Truss, 744 Burgundy, \$5; Mary L. Johnson, 766 Sarah Ann \$1; Elence Adkins, 822 Sarah Ann, \$1; Felbert

Crime - 1923

MISSISSIPPI GOVERNOR FAILS TO CURB POWER OF LIEUT-GOVERNOR

2-16-23

**Objected To Pardoning Power When
Chief Is Absent. Decision Makes
Valid Release Of Two Negroes**
Preston News Service.

JACKSON, Miss., Feb. 14.—Governor Russell's attempt to prevent Lieut. Gov. Casteel from exercising the pardoning power when the chief executive is absent from the State, met with failure last Tuesday when Chancellor Thomas held that the lieutenant governor has a constitutional right to issue pardons while temporarily serving as governor.

FIVE NEGROES. ESCAPE.

One of them formerly lived in Memphis, an ex-convict from Arkansas.

JACKSON, Miss., Aug. 27.—Five negro escapes from the state penitentiary were reported this morning to the office of J. J. Coman, secretary of the board. Two of them, Will Johnson and Will Ross, from Camp 6, Parchman, on Aug. 6, are reported by Sergt. T. L. Richardson, and three, General Crosby, George Johnson and Charlie Pringle, are reported by T. L. Roper, sergeant at Camp 5, Parchman.

Johnson is described as 25 years of age, 5 feet 8 inches tall, weighing 170 pounds. He has brown skin, black hair and brown eyes and is scarred on the left thumb and right leg. His residence is Charlotte, N. C., but he was sentenced from Alcorn County in July, 1922, to serve three years for burglary.

Ross is 39 years of age, 5 feet 7 inches tall and weighs 150 pounds. He has red brown skin, black hair and eyes and is scarred by a burn on the right leg, a split in the right ear and a scar on the top. He resided in Memphis, is an ex-convict from Arkansas and was sentenced from Tunica County in July, 1921, to serve four years for burglary.

Crosby is 38 years old, 5 feet 9 inches tall and weighs 155 pounds. He has brown skin, black hair and eyes and is scarred above the left temple, on the right arm and left hip. His residence was Meridian, and he was sentenced from Lauderdale County in February, 1923, to serve six years for burglary.

George Johnson is 39 years old, 5 feet 6 inches tall and weighs 140 pounds. He has black hair and skin, black hair and brown eyes. He is scarred on the left arm below the elbow, on the upper left arm and just above the right ear. He resided in Tunica and was sentenced from Tunica County in July, 1922, to serve three years for burglary.

Pringle is 23 years old, 5 feet 6 inches tall and weighs 131 pounds. He has dark brown skin and black hair and eyes, has a long face and is scarred in the bend of the left leg and on both shins. He resided in Meridian and was sentenced from Lauderdale County in August, 1921, to serve 10 years for manslaughter.

The first two men escaped on the 6th of the month, but were not reported, as Sergt. Richardson was absent on vacation and his substitute did not understand the routine of the office fully. The other three escaped on the 23d. Mr. Comer has offered

the statutory reward of \$50 for the return of each prisoner to any jail.

TRIAL OF NEGROES SET.

Clarkdale Attack Suspects Get Preliminary Hearing Wednesday

CLARKSDALE, Miss., Aug. 27.—The negroes held here in connection with hitting Miss Forbes in the head while burglarizing the Rodgers home, three of whom have confessed completely in the affair, will be tried Wednesday on Thursday of this week and bound over to the grand jury for the fourth Monday in September.

Three other negroes were bound over to the grand jury today in a murder case. Spearman Howard, confessed hitting Lee Turner over the head with a railroad stake while he was asleep, was held without bond.

Following the finding of the body on the railroad, Judge Stratton held the inquest and Officer Finn made the arrest. Two others were given \$250 bonds as accomplices.

SHOOT CHAIN GANG MEN AT WILL, IS CHARGE

Jackson, Miss., Sept. 22.—The Mississippi whites have become so prejudiced toward colored people that they have organized mobs which not only

intimidate the free citizens, but on many occasions they have spent their time shooting up the chain gang prisoners. The prisoners are building up the Louisiana-Mississippi highway. On their way to and from work, these beastly whites hide along the road and shoot the men with squirrel shots—and for no other purpose than to hear the men scream. So bold have these mobs become that Governor Parker of Louisiana has sent Governor Russell of Mississippi a telegram, asking him to enforce the law and protect the men.

FEARED MOB VIOLENCE.

Drunk Carousal On Highway

White Gang Woman Wounded.

COLUMBUS, Miss., Sept. 17.—For some months past a lot of drunken, rowdy negroes have made the night hideous by their carousals while traveling the public roads south of Foxworth, and had been repeatedly warned by white citizens to cease their debauchery near their homes. The negroes heeded not the warning, and a few nights ago the gang was shot into by someone and a negro woman, Corine Roberts, was severely wounded. The walls of the woman brought several white citizens to the scene, and their drunken condition justified their arrest. Corine is in the local hospital while her husband, Herman, and Tommie Berry, on whom was found a bottle of booze, are in the county jail awaiting trial for disturbing the peace and possessing whisky.

Mississippi.

Negro Boy Stole \$875.23

Gem, Sells It for Dime

Compensation

BILLOXI, Miss., Aug. 14.—Thomas Henry Neal, 10 years old, a negro of tiny build, made an extravagant business transaction when he stole an \$875 diamond brooch belonging to Mrs. William Kimbrough of Greenwood several days ago and sold it here to Theodore Jones, another negro of 11 years, for the whole sum of 10 cents. Jones and Neal had in hand an effort to secure information which may lead to the finding of the handsome pin. Twenty-five negro lads in Biloxi and Gulfport have been questioned or arrested in connection with the theft.

Crime and Publicity.

Commercial Appeal

Tuesday at Vicksburg, Miss., three men were tried on charges of highway robbery, convicted and sentenced to serve 15 years in the penitentiary.

Last Friday they forced a Vicksburg taxicab driver to drive them in his automobile to Greenwood. When near the latter place the bandits robbed their victim of \$16, bound him securely and threw him into an old church, and then speeded away in his automobile.

Four days after commission of the crime the criminals were under sentence. The wheels of justice were swift in their revolutions. When the machinery of the law moves so smoothly and so swiftly lovers of the law take heart and lawbreakers shudder.

Frequently well-meaning readers of The Commercial Appeal read us a lecture on the publication of crime stories. They have been persuaded that if such stories were kept out of the columns of newspapers there would be less crime. They are honest in their contention, but deep in error, nevertheless.

Had it not been for publication in the columns of The Commercial Appeal of this Vicksburg outrage, it is probable that the three highwaymen would now be at large, robbing and maybe murdering. Highwaymen do not hesitate to shoot when their victims resist.

The story was carried by The Commercial Appeal Sunday morning. It included a description of the three criminals and the pilfered automobile in which they were riding. A deputy sheriff at Tunica, Miss., had just finished reading the narrative when the outlaws drove into the town. He recognized them. Arrest and con-

viction followed.

The tragedy in which George Reeves, Shelby County jailer met his death on Nov. 30, 1920, is still fresh in the minds of all. The prisoner who fired the fatal shot escaped with his two companions.

The following morning the complete story was carried in this paper with pictures of the three desperadoes on the first page. A young woman was seated in her home at Winona, Miss., looking at those pictures when the three bandits knocked at the door and asked for a drink of water. She recognized the fugitives and, after they had departed, notified officers. One of the bandits was shot down while resisting arrest. The other two are serving 22-year sentences in the Tennessee penitentiary.

Had it not been for this illustrated crime story in The Commercial Appeal, the murder of Jailer Reeves might have gone unavenged. Other good men might have been shot down by these men, who subsisted on the loot derived through crime.

Publicity is one of the greatest obstacles in the way of crime. Criminals fear it even more than they fear officers of the law. They know that in the majority of instances it is publicity that brings about the apprehension of criminals.

Newspaper publicity is not only a means of apprehending criminals; it is often a crime deterrent. Men who enjoy the respect and confidence of their fellows, but have within them the making of criminals, are held back many times by thought of what "the papers would say."

Crime stories, handled sanely and accurately, never increase crime. They reduce it. They not only bring criminals to justice; they prevent others from becoming criminals.

Crime — 1923.

Missouri.

KANSAS CITY MO JOURNAL
MAY 11, 1923

Negro Jury Holds Officer In Death of Negro Boy

After having been held criminally responsible for the death of Melvin Williams, Negro, 17 years old, by a coroner's jury composed entirely of Negroes, ~~Larry Scott~~, Wyandotte county patrolman, was bound over to the Wyandotte county district court at his preliminary hearing yesterday before Judge Don C. McCombs. Williams was shot after having been pursued from Turner, Kas., by Scott. He had refused to halt at Scott's command.

Wilmington Journal
 Approps of the oft repeated assertion that the Negro is given justice in the courts it is interesting to note that at New Bern, N. C., last week, Judge Grady, presiding in superior court, sentenced two white men, who confessed to breaking into two Negro's homes, to pay their victims \$150 and leave the state. At the same term of court, the same judge sent a Negro to the penitentiary who was convicted of housebreaking. The question here raised is not whether the Negro was given justice, but whether the white men in a similar case did not escape justice.

THE NEW PRISON SYSTEM.



HERE has been a good deal of tom-tom beating around alleged prison conditions in North Carolina, but the noise is now subsiding. The best prison administration in the country promised by the Governor seems on the way to materialization, the first word coming out of the meeting of the State Prison Board giving substantial basis for that prospect. We might take time to state here, that the system the board has recommended for the prison organization, is somewhat similar to that which has prevailed in Mecklenburg and probably in other counties. The prison management in this county would have had no time to "fix up" for the visit of the inspection squad, if it had been informed in advance of what was coming. The conditions existing at the time of the inspection were the same as are maintained every day in the year in the Mecklenburg prison camps. The present management established at the start a modified policy of placing prisoners on their honor. They have been encouraged to good behavior through assurance of kind treatment and the response to this policy has been notably encouraging. The State prison system is to be placed under what is known as the indeterminate sentence policy, in which, as a matter of course, the lash and the dungeon can have no part. There is to be a re-classification of prisoners and the Governor may commute all sentences to the indeterminate basis, the co-operation of all judges being solicited in adjusting sentences to accord with this principle. The move from the fixed to the indeterminate sentence will operate in encouragement of good behavior on part of the entire prison population. The prison board, basing action on individual reports of conduct, may hold a prisoner to the end of his term; may discharge him at the minimum date, or may give him his liberty between minimum and maximum. Under the new basis appeal is made to the manhood of the prisoner, and the incentive of reward for good behavior is held constantly before him.

The new ruling of the board is of sufficient importance to be given in detail. In the first place, it is provided that all prisoners confined under jurisdiction of the North Carolina State's Prison shall be as soon as practicable re-classified, this re-classification, subject to the approval of the board. Class A to be excepted. Class B shall be composed of all prisoners who have been of good conduct for 60 days, or who have been in the State's prison for less than 60 days and have been of good behavior. Class C shall constitute all prisoners whose conduct within the past 60 days has been bad. That those prisoners who may be retained in C grade be promoted to B should they remain of good behavior for a period of 60 consecutive days after the re-classification.

The prisoner who drops into Class C must stay there for 60 days before he shall have chance for promotion for good behavior. No prisoner can be demoted until after an impartial hearing, and due consideration will be given the mental condition of all. Class A prisoners are granted a number of liberties, including participation in and attendance at ball games; tobacco rations; daily mails, clean towels and a variety of toilet articles. There is also a system of mild reprimands, but so graduated as to discourage incorrigibility.

It may be now expected to see criticism take a new turn. The prison board may be hearing that it is making prison life too attractive for the good of the State.

1708 Raleigh, N. C. Times
 MAY 11, 1923

GRANVILLE NEGRO VICTIM OF CHAIR

Execution of Slayer of Roy Aiken 66th at State Prison Almost Without Feature

Wiley Perry, Granville county negro, who shot and killed Roy Aiken, National Guardsman deputized to arrest him, went to his death in the electric chair of the State prison Wednesday and though witnessed by two brothers and an uncle of the victim, the execution was as nearly featureless as an electrocution can become.

Perry, a strapping two hundred pound mulatto, was killed with two minutes of the current. For ninety seconds, Warden S. J. Busbee held the switch on the man in the chair and then, after a pause, thirty more seconds before the prison physician made the usual examination and pronounced Perry dead.

Besides the relatives of the slain National Guardsman, and other

Granville county folks, the crowd that packed the execution chamber Wednesday morning was made up largely of State College students who thronged the gates, an hour before the time for the electrocution in the hope of getting in.

If there were anyone either in the room or out of it who felt sympathy for the burly negro who was the sixty-sixth to pay the supreme penalty in the electric chair, the fact was never made known. Snatched away by vigilant officers who observed the makings of a lynching under way in Granville and brought to Raleigh for safe keeping, the negro was peculiarly without friends. His sentence was to death after a brief trial. No appeal was taken and no one called on the Governor for a show of clemency.

The execution marked a happy turn in one man's life at least. This was Oscar Brothers, of Craven county, sentenced to life imprisonment for burglary in the second degree. Brothers, who for the past year or more has had charge of the electric machinery which supplies the necessary eighteen hundred volts that kill, Wednesday completed his term that was first cut to thirty years and then to four years by Governor Bickett.

"When the State deprives a man of his liberty, it has no right to deprive him of his hope," said Governor Bickett frequently during his administration and upon this principle his commutations from death penalty and from life imprisonment were for a term of years. A number of men, who had waited hopelessly for the day when they would go down the long corridor to the electric chair, received a commutation to thirty years, later to a shorter term on good behavior and now have prospects of liberty before many more years in the prison.

Although Brothers escaped the death sentence, his prospect was for a life of toil behind prison bars until Governor Bickett commuted his sentence to a thirty year term which, in turn, was reduced to four years.

Wiley Perry, the sixty-sixth victim of the electric chair, was engaged in shooting up the town of Creedmoor when Roy Aiken, a popular and fearless National Guardsman was deputized to help arrest him. Perry always maintained that he was shooting at the policeman but Aiken received the mortal wound.

SEP 30 1923

PRESENT TRUSTY SYSTEM MAY GO, IT NOW APPEARS

Spruce Pine Outrage by Prison Trusty Not First of Kind in State.

BAILEY LIKELY TO STAY OUT OF RACE

Maxwell Not to Enter, It Is Said — McLean Strength Now Growing.

CITIZEN NEWS BUREAU
 YARBOROUGH HOTEL

(By BROCK BARKLEY)

RALEIGH, Sept. 29.—Abolishment or restriction of the trusty system, in effect in all State prison camps, may result from the attack on a white woman in Mitchell County by a negro convict and the consequent anti-negro demonstration of the Spruce Pine mob.

Governor Morrison announced that he is very uncertain as to the wisdom of the trusty system in the camps and he may seek legal authority to abolish it, or, at the least, greatly restrict it so that the trusty will be denied many of the liberties he now enjoys.

Complaints to the effect that the trusty system has been abused have come to the prison authorities from time to time, it is said. The practice of making trustees of prisoners who establish good records has been long in effect, although the practicability of it has never been determined to the entire satisfaction of the prison authorities.

The Governor likely will confer with Superintendent George Ross Pou, of the State prison, and other authorities and see if some other system cannot be developed to take the place of the trusty system and, at the same time, serve as a reward for good behavior.

The trusty is common to all State and County prison camps. In some county camps excessive liberties are said to be granted to the trustees; and instances of the granting of considerable freedom to trustees in the State prison camps have been numerous. As a rule, the system is understood to have worked well and contrib-

uted to camp morale.

The Spruce Pine incident is one of a series of outrages charged against trustees in prison camps and it is said to be the collection of these occurrences that has raised to question in the Governor's mind as to the dangers of the trusty system to the public safety. Some months ago a negro youth was electrocuted at the State's prison for criminal assault committed upon a Wake County white woman while the negro was serving as a trusty in one of the Wake convict camps.

The trusty in the Spruce Pine camp, who made his escape after the attempted attack on Mrs. Mack Thomas, had only a few months more to serve on a ten-year sentence. Nearing the end of his term and establishing a good record, the negro recently was made a trusty.

The trusty in most prison camps is allowed the privilege of going and coming almost at will, being privileged to leave the camp reservation. The Governor does not expect to give any consideration to the system as it is used in the county camps but only in its relation to the State camps. Whether it will prove worthwhile to seek a substitute remains to be seen from inquiry that likely will be made. But the Spruce Pine trouble will return attention to prison problems.

Bailey May Not Enter the Race.

Speculation as to the probability of Josiah William Bailey deciding against an entry into a contest for the gubernatorial nomination in the primary next year is an interesting capital city development from growing reports from over the State of united party support for Angus Wilton McLean.

Some of Mr. Bailey's "best friends" have been among those of late who concede the probability that he may decide not to enter the contest. Mr. Bailey's mightiest efforts to develop an "issue" seem to have failed him and the State has evidenced disinterest in calamitous callings or political upheavals.

Likewise, mighty efforts to boom Corporation Commissioner A. J. Maxwell have proved utter failures and the State's financial critic likely will stick to his office in the red-brick administration building and leave gubernatorial contests to someone else. Mr. Maxwell is reported very well satisfied with the candidacy of Mr. McLean, although a while back he was understood to be really giving serious consideration to the possibilities of success in a campaign of his own. Mr. Maxwell's financial criticisms, however, failed as badly to arouse a satisfied citizenship as did Mr. Bailey's efforts to develop "issues."

"The Program of Progress" is having its day in North Carolina and those who rise up as fault-finders are not receiving very enthusiastic welcomes. Governor Morrison's championship of the cause of progress and his proved sincerity in his conduct of the affairs of State have served as confounding obstacles whenever a political opponent seeks to batter

him. And he has many friends who confidently believe he stands more strongly before the people and today than ever before.

In practically every fight in which the Governor has appeared before the people, there has been involved an attack on phases of the "Program of Progress." Public recognition of the Governor's defense of a movement that has popular support has made him well nigh impregnable. Even the over-worked finance controversy, with all its elements of confusion, failed to make a dent in popular approval of the State's administration because all expenditures were of proved merit and that State government represented an active, working, progressive agency.

Mr. McLean has gained as much strength as a gubernatorial candidate from his attitude toward existing affairs of State as from any other development of his campaign. He has not sought to run the State for the present Governor, nor has he sought to develop "issues" or to arouse political jealousies or hatreds. He has kept away from the scenes of war and acted as any private citizen would do.

He is working harmoniously with all elements and factions of the party. His support comes from the Morrison, Gardner, Page factions, the Simmons and Kitchin factions; and the divisions created by the Morrison-Gardner-Page contest of 1920 or the Simmons-Kitchin battles of earlier history have been brought together through the support of McLean. And if political developments continue through the next year as they now give promise of doing, McLean will go into the Governor's office free of factionalism, and party unity would be almost complete.

Mr. McLean is a conservative, deep-thinking, matter-of-fact man. He is not given to sensational pronouncements on revolutionary subjects. He is not a prophet of calamity nor a modern-day Moses. He promises to take the day as he finds it and make the best of it.

One former anti-McLean man who lately has announced his intention of unenthusiastically casting a ballot for the Robeson County man remarked that if cotton stays at 30 cents his friend Bailey would not have a ghost of a show. It is hard to cry calamity in the face of high-priced cotton or "programs of progress," and the people do not seem enthusiastic over calamitous and fault-finding utterances.

A new financial difficulty as the outgrowth of the recent audit of the State's book was brought to light this week with the appearance here of Chairman McChinnery of the board of trustees of the Goldsboro Hospital for the Negro Insane.

Economizing on its expenditures, the hospital had created a fund of \$49,000 from its appropriations over a period of years. This \$49,000 lay to its credit in the bank on June 30, 1922, and the legislative committee's auditor, the Price-Waterhouse Company, ran across it in its recent investigation of finances.

Considering that State institutions should make expenditures more strongly before the people and that surpluses should go to the treasury the \$49,000 balance was reported in the audit for Treasury credit. Treasurer Ben Lacy certified for its collection.

Within recent months, however, the institution has found a use for the \$49,000 it had saved and, ignorant of the Treasurer's certification for collection, it expended the money. And the Treasurer, faced with the responsibility of procuring the certified \$49,000 credit, took steps to assess the institution's 1923 appropriation for that amount. And Chairman McChinnery came down to Raleigh to enter strenuous objection.

He was in conference with Governor Morrison and Treasurer Lacy during the week. Whether the institutions must go short on its 1923 appropriation to the amount of \$49,000 remains to be determined after possible further consideration by the administrative chiefs.

That institution should anticipate their needs for the year with every possible accurateness and receive appropriations to cover them was recognized, but the possibility of cutting the institution out of a considerable portion of its 1923 appropriation because of the belated use of a balance, created through the practice of economy, was a point of argument among those in capitol circles discussing the affair.

NOV 19 1923

Mysterious Negro Assassin Continues His Bloody Work Two More Negro Women Shot Down in Street Last Night

POLICE BAFFLED BY SERIES OF MURDERS All Victims Shot in Street And Without Warning; Killer Escapes

Two more negro women fell before pistol attacks of mysterious assassins last night within ten minutes of each other and the shooting in the two cases occurred within three blocks. Carrie Cotton, who lives on the South Dawson street, was shot dead with a bullet in her brain on Harrington street between Martin and

Davie streets and a few minutes before Pattie Giff, 122 West Davie street, was wounded by a man who appeared to have been the same assassin across the street from her house.

Thompson saw a man whom he believed to be the assassin. He directed Danielly to open the door of the car slightly and to jump on the man as he drove up to him. The lights of the car fell on the man and he looked up and recognized the officers. He reached his hand into his inside pocket as if to get his gun but immediately changed his mind and turned and ran.

He rushed up Davie street to Fayetteville with a brisk gunfire from the officer's pistols stinging at his heels, turned up Fayetteville and down Martin where the officers pursuing him lost his trail. Another negro who answered the description of the short, dark man, was seen to disappear into the block that is bounded by Davie, Salisbury and Cabarrus. A search of the block by the police failed to disclose any sign of him.

Lengthening Series.

At a late hour last night the police were still combing the "bloody fourth" as the old Fourth ward was once called for the negroes but had not been able to get within sight of them since the first time when the police chased one of them up Davie.

The killing of Carrie Cotton at 10 o'clock last night was a continuation of a long string of murders of negro women and their consorts which began on Tuesday of Fair Week. John Rose, dead; Nora Moore, wounded; Norman Hayes, wounded; Hattie Royal, wounded; Rosa

Thomas, dead; Pattie Giff, wounded and Carrie Cotton, dead. The series of attacks began during Fair Week when John Rose, a Goldsboro negro, was shot down and killed on East Cabarrus street where it was alleged he was standing on the running board of a car in which were several soldiers from Camp Bragg and one negro woman. Another negro woman was said to be standing at the side of the car. John Rose was shot down and killed and one of the soldiers from Bragg was wounded in the shoulder. It was alleged at the time that John Rose was acting as a go-between for the soldiers with the women.

Assassin Pursued.

Called to the scene of the murder of Carrie Cotton last night the police arrived before the woman died. Persons near the scene of the attack declared that the assassin had rushed into the rear of the houses on the east side of Harrington street and had disappeared in the back yards behind the houses. A search of the block failed to disclose any sign of the murderer.

At a quarter of 12 last night Officers Danielly, Gargis and Thompson went to the house of Pattie Giff on Davie street to obtain a more complete description of the negro. As they drove up at the

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Hattie Giff was returning to her home at 122 West Davie street last night at 9:45 after she had been to see about arrangements for the burial of Rosa Thomas who was shot down and killed last Thursday night. Rosa Thomas had boarded with the

Giff woman. Walking with a boy named Jasper Jones, Pattie was coming through an alley which comes out on the south side of Davie opposite her home when a short, dark man wearing a cap called to them to halt.

They stopped and the man asked them why they threw a bottle at him. They denied throwing anything at him and the man cursed pulled a big gun from his hip and fired point blank at the woman. Only one shot took effect though the man fired three times. The bullet that hit the woman struck her in the flesh of her left hip and tore out again at the back of her leg. The wound is not serious.

Two Blocks Away.

On Harrington street between Martin and Davie streets ten minutes later Carrie Cotton was walking along with May Dorethy Lee. The Lee girl was vague in her story last night when she was arrested as a witness and declared that the Cotton woman wanted to get rid of her just before the attack and gave her a quarter to go and buy some egg sandwiches. Another allegation is that a man was shot at the same time as the Cotton woman, although the dark it could not be determined whether he was a white man or a negro.

It seems that there were no words passed between the assassin and the two women. He fired five times, only one taking effect but that in the base of the brain letting the woman's brains trickle out into the street. Residents near the scene of the murder heard the shots and notified the police who reached the scene before the woman died. The body was carried to the Brown Undertaking Establishment.

Believe Gang At Work.

The long series of murders has led the police to believe that the crimes are not the work of a single man. Until the attacks last night they held

to the belief that it was the work of a black avenger who had sworn to kill every woman who consorted with white men. Now the belief is where any of the recent attacks are that there is an organization having the same vengeance as its motive.

NEWARK N J EVE NEWS

MAY 28, 1923

A Black By-Product in Prison of the War

According to the federal census of 1920 there were about thirty-five whites in New Jersey to each negro resident. On the first day of the present month there was one negro to every four whites serving sentences in the state prison at Trenton. A visitor to the big penal institution can not be otherwise than astenished at the proportion of color in the convict hosts as they march from their work to their cells.

What is the meaning of this disproportionate number of negroes in prison as compared with their proportion in the state? The question is not being sufficiently answered by assuming that the criminal tendencies of the negro exceed those of the whites. Any such excess, due to lack of education and moral training, is much below the unfavorable showing at Trenton.

One significant fact that throws some light on the cause is that, of the 332 negroes in prison on May 1, 190 of them came from the South. These could easily be distinguished, too, from the 142 who were born and raised in the North. The great majority of the Southerners had the appearance and the walk of plantation hands, familiar with working in the cotton and the cane.

In the closing days of the war and immediately following the armistice the migration of negroes from the South to the North was encouraged to meet the tense industrial situation. Plantation hands were thrust into manufacturing plants where there was an ever increasing demand for help, regardless of its quality. The negroes had not been trained for such speeding up and, suddenly translated from the field to the factory, their efficiency was far below the par of pre-war days.

No wonder that when the war time pace began to slacken and the industrial slump set in the negroes were the first to suffer the loss of places. They had been brought North by manufacturers' agents, lured by prospects of great earnings. Many of them had been unable to give enough to finance themselves and their families through the stress of unemployment that followed the let-down of production. They were left to depend largely on resources of the slenderest kind.

Not only that, but many of them were separated from their families and thrown out when not only industrial but social and climatic conditions were entirely strange to them. Under all the conditions it is hardly to be wondered at that an unusual number came to grief.

These facts tell much of the meaning of the black faces, with vacant eyes, and the shuffling feet of stalwart but loose-jointed bodies, that are so in evidence at Trenton today. These negro delinquents constitute one of the by-products of the war and its accompanying industrial disturbance.

2 CHARGED WITH MURDER OF "CIGARETTE GIRL"

ATLANTIC CITY, N. J., Aug. 16. —The murder of Miss Gertrude M. Garrison, aged 22 years, and known as the "cigarette girl" in a cafe, found strangled in a lot on December 1, last, was thrust into prominence again last Thursday when a grand jury returned indictments charging murder against Miss Bertie Woods, aged 26 years, a waitress and a former roommate of the dead girl, and Charles Shaw, aged 30, a one-time musician of the same cafe. The crime created a sensation at the time. City and county police sought in vain many months for the slayer, and fully a score of persons were arrested in connection with the case.

JAP ACCUSED OF SHOOTING WALTER JOHNSON

ATLANTIC CITY, Aug. 25.—Following a heated altercation, West D. Rivers, 28, Japanese, of 2408 Pacific avenue, it is charged, drew a revolver from his trousers and fired four shots at Walter Johnson, 28, colored, of 208 North Pennsylvania avenue, who was standing outside a cigar store at North Carolina and Baltic avenues, where he is employed as a porter.

Rivers' aim was wild, and only one of the bullets struck Johnson, penetrating his left leg. He was picked up and rushed to the Atlantic City Hospital, where physicians state that he will recover.

Officer Conover arrested Rivers and placed him in a police patrol, which

took him to City Hall. He was charged with carrying concealed deadly weapons and shooting. He was locked up without bail for a hearing before Magistrate Joseph A. Paxton tonight.

According to the police the argument started in the cigar store and the pair finished the altercation on the sidewalk where the shooting resulted.

WIFE FAINTS AS FEW CRIMINALS JURORS GET IN 'LITTLE AFRICA'

New York
Negro Colony of 175,000 North
of 125th St. Called a Law-
Abiding Community.

9-27-23
SOME HOLD-UPS STAGED
And the Police Raid an Occasional
Crap Game, to the Amusement
of the Onlookers.

WARD CASE

Georgia
No Evidence Is Introduced for
Accused Murderer of Clar-
ence M. Peters.

By International News Service.
WHITE PLAINS, N. Y., Sept. 26.

Walter S. Ward put his fate on the charge that he murdered Clarence M. Peters into the hands of the jury Wednesday without offering any defense. *9-27-23*

"The defense rests," said Judge I. N. Mills, chief of Ward's counsel, as soon as court opened. He asked if the state's lawyers would allow him to sum up his case immediately. Attorney General Sherman granted permission.

Mrs. Ward, wife of the defendant, collapsed at the conclusion of court here Wednesday.

The jury had filed from the room after Judge Mills had made an impassioned plea for acquittal, begging the jury's sympathy in Mrs. Ward's behalf.

Mrs. Ward arose in an effort to thank Mills. She fell backward in the chair, struggling to rise.

The action of Mills was not unexpected as reports about the court room were that Mills and Ward believed the state had failed to establish either a first or second degree charge of murder. *Atlanta*

Mrs. Beryl Curtis Ward, wife of the defendant, buried her head in her hands and in scarcely audible sobs, wept as Mills in his argument held up Ward as a "stalwart, honest citizen, a loving father, and husband." *Georgia*

Great emphasis was laid by Mills upon the fact that Ward surrendered himself after the killing of Peters when no suspicion rested upon him. This, he continued, proved the good intent of Ward.

"The state proved just what Ward intended to prove himself—that Ward never saw Peters until the night of the killing," Mills declared.

Crime varies in different sections of the city. Certain crimes which are common in some localities are practically unknown in others. Each section has its own particular problems. Harlem's "Little Africa" has long enjoyed the reputation of being law-abiding and industrious. An unusually large percentage of its population obey the law both in spirit and letter. Among an estimated population of some 175,000 negroes, it is not strange that there should be some criminals. These have long been a thorn in the flesh of the decent, self-respecting, law-abiding members of the colony, who make every effort to discourage them and drive them out.

Some of these criminals are vicious men who hold human life cheaply. Some are natives; others have been attracted here from other cities. Most of them are too lazy to work and prefer to prey upon the sober and industrious members of their race. They spend their afternoons lolling about amusement places and their evenings in petty stealings.

When hold-ups were common these criminals contributed their share, often terrorizing neighborhoods in which they operated. One of their favorite diversions was holding up collectors. Many of the inhabitants of the colony make purchases on the instalment plan. The criminals used to "lay" for these collectors in dark hallways of tenements. On descending the stairs of a tenement the collector would find his path barred and would be ordered to "fork over" what he had without ceremony. Occasionally a collector was shot or sent to the hospital severely beaten.

When such complaints reached the police they took quick action. Detectives were stationed in houses where such crimes were committed and the hold-up men received an unwelcome surprise. Not a few of the thieves were caught red-handed, or were discouraged from attempting further depredations. Detective William Hauptmann of the West 152d Street Station visited a negro

tenement one afternoon to investigate a complaint of robbery against a negro maid. As he left the flat he was met at the door by two armed negroes. The detective, taken by surprise, found himself covered by two pistols. He was gruffly ordered to hand over whatever money he had. He pretended to comply but instead he dropped quickly to the floor, and drawing his weapon fired point blank at the negroes. One of them fell to the floor mortally wounded, the other fled down the stairs. The detective emptied his pistol at the departing hold-up man who returned the fire. One of the detective's shots hit the mark and the negro was later discovered wounded some distance from the scene.

On another occasion a policeman who had a night off had an appointment to meet an old schoolmate at 135th Street and Lenox Avenue. He was accosted by a negro. The latter asked the policeman if he would like to attend a little party up the street. Suspecting that something was wrong, the officer accepted the invitation. The negro escorted him to a neighboring tenement and led him up stairs to the second landing.

"Wait here, boss," he said. "Ah jest want to go up to de next floor and see dat things are all right." Alone in the dark hall the policeman began to look about him. After waiting for a long time, he concluded that his host was not going to return. He heard a sound of shuffling feet below and peering over the banisters, he saw four negroes taking long-barreled pistols from their pockets. Realizing they were hold-up men, he decided to act quickly. Drawing his pistol, he leaned over the banisters and ordered them to throw up their hands. They appeared surprised but did not obey. He then opened fire upon them, descending the stairs at the same time. The negroes, muttering loud imprecations, rushed from the premises. One of them was heard to call out as he fled down the street that the house was filled with "coppers."

Some time ago an aged white landlord who lived in a negro tenement he owned left his home on a rent-collecting expedition. He was accompanied by a bodyguard, his constant companion on such trips. He had collected about \$400 from tenants occupying other houses he owned and returned to his home. His bodyguard left him at the entrance. When the old man entered the vestibule a negro came toward him from the rear of the hall. At the same time another negro entered the place from the front. The latter walked behind him, and on catching up with the old man, he grabbed him beneath the arms and held him a prisoner until the first negro shot and killed him. The two thieves then made their escape.

The criminal element spends its leisure in shooting crap, or indulging in other games of chance. Negro crap shooters are hard to discourage, and apparently do not mind being arrested for that offense. They are not always easy to apprehend, since they stage floating crap games. One night they meet in a certain flat; the next in the basement of a poolroom, and they have even been known to shoot craps on a housetop. It is a common thing to see 100 or more negroes being conveyed by the police from the scene of the game to the station house, while gaping crowds look on enjoying the fun immensely.

A crap raid in the district is always an occasion for jest and mirth among the outsiders. A policeman who has taken part in many such raids admitted that the offenders were usually discharged in court with a small fine or a reprimand. Such raids, he asserted, were necessary nevertheless,

since if the gamblers were not discouraged from time to time they would increase to such an alarming extent that gambling in the colony would become a common nuisance. Crap shooting, he averred, had a bad effect on the morale of the youth of the colony, and if for no other reason crap shooting and kindred games of chance should be discouraged.

The decent law-abiding negroes have given the police valuable co-operation in discouraging criminals and shiftless, lazy vagabonds, who prey upon them.

Reign of Terror Ends With Arrest of Negro

CLEVELAND, Jan. 20.—Residents in the vicinity of Woodland avenue and East Fifty-fifth street were at ease today for the first time since Wednesday morning. A reign of terror, created in that neighborhood by a rum crazed negro for the past three days, ended last night with the arrest of Carl Harris, alias Judson Lyons, an ex-convict, but not until he had shot and probably fatally wounded Mrs. Carmela Coco, 34 years old.

Five charges—shooting to kill, shooting to wound, robbery, burglary and larceny and assault to rob—were lodged against Harris today. He has served terms in the Ohio penitentiary and reformatory for burglary. When arrested he carried three loaded revolvers and 75 rounds of ammunition.

Georgia Deputy With Prisoner Nabbed in Ohio

Cincinnati, Ohio, April 20.—For the first time, according to the records, in the history of the city, a police officer and his quarry were arrested when a real police dog took into custody James L. Thomason (white) of LaGrange, Ga., and his prisoner, B. Dunson.

Dunson is said to have been wanted in the Georgia town on a charge of receiving stolen property. Thomason arrested him in Dayton and brought him here. Local authorities were notified to hold the Georgia officer on a charge of kidnapping.

He was arrested and sent back to Dayton, where his captive was taken from him. He is said to have declared on the eve of his departure that he couldn't do anything with the "Eyesmen and Jews" up North.

when their verdict was announced. Whitfield took the verdict calmly, apparently elated at escaping the death chair.

Judge Would See Him Die

Talking directly to the prisoner in sentencing him, Judge Phillips said:

"In my entire experience I have never known of a murderer who unjustly received the death penalty. As the trial judge I would have felt a degree of satisfaction in sentencing you to death, but my hands are tied by the verdict and therefore I sentence you to spend the remainder of your life in the penitentiary. I never knew of a more conclusive case. I never knew of a more heartless, more reckless, more indifferent, more depraved conduct following a brutal murder."

Three women and nine men composed the jury.

Whitfield was tried for the slaying of Griffin, who had arrested him on the morning of May 11 on a charge of stealing a spark plug and had started for the station house in Whitfield's automobile. They did not arrive there.

Search Was Nationwide

An investigation was started, a nation-wide alarm and description of Whitfield was sent out, and a search for Griffin's body was begun by police. The body was found May 14 in a shallow grave east of here. The body was stripped. Parts of the officer's uniform and equipment were found near the remains of a fire close by.

Whitfield and Marie Price, his 14-year-old girl companion, were found in Madison, Wis., on May 22, but Whitfield escaped from two policemen.

He was located in Detroit on June 24 and brought here two days later and indicted for first degree murder.

CINCINNATI O TRIBUNE

AUGUST 22, 1923

**WHITFIELD IS
GUILTY; GIVEN
LIFE SENTENCE**

**ARRESTED
BLACK BELT;
NEGROES SHOT**

The Chicago White
CLEVELAND, O., Aug. 18.—John L. Whitfield was found guilty of first degree murder with a recommendation for mercy by a jury in Judge Phillips' court late Wednesday for the murder of Patrolman Dennis Griffin on May 11. Judge Phillips immediately sentenced Whitfield to life imprisonment in the Ohio penitentiary.

The jury deliberated exactly eight hours, reaching their verdict at 2:30 o'clock. It was fifteen minutes later

Shootings and Vice Go on—
Police Raid Several Places
—Black Wounded in Quarrel
Over Woman May Die.

Visiting the "Black Belt" in the West End yesterday, detectives arrested nearly fifty negroes. Their visit to that section of the city was prompted by the near riot on Mon-

day night in which whites and negroes hurled stones, bottles and other missiles. Despite the raids, police reports last night showed the usual gun play and vice in the "Black Belt."

Detective Sergeant Kleemeier and Detectives Weis, Ellenreider, Rolf, Schwaebel and Bohlke arrested five more alleged gamblers at 521 West Fifth street. They are Walter Scott, 530 West Fifth street; Charles Hamilton, 557 Carlisle avenue; William Butler, 438 West Fifth street; Luther Wharton, 521 West Fifth street, and Isadore Mallam, 753 West Eighth street.

Lieutenant Seeborn, accompanied by detectives, swooped down upon the South American Pool Room and Cafe, 558 West Sixth street, and interrupted a "crap" game that was progressing at full blast. They arrested twenty-three negroes and entered charges of suffering a game of chance and obstructing an officer against Nicholas Christ, 38 years old, a white man, who operates the place.

Take 12 in Third Raid.

In a third raid twelve negroes were arrested west of Central avenue by Detective Sergeant Kleemeier and Detectives Rolfe and Bohlke. They were taken to the Central Station. An employment agent offered them a dozen jobs. Ten of them accepted—the other two preferred to remain the guests of the city rather than work. A charge of loitering was placed against them. Later three negroes were arrested at 419 John street on the same charge.

James McKinness, 18 years old, negro, was captured after an exciting chase of almost a mile that led through the West End. He was shot through the right arm by John Schneider, B. & O. Railroad detective, after, it is alleged, he had threatened a number of people in the yards at Eighth and Horn streets. The chase started at Sixth and John streets after a number of negroes had attacked him. The negro fled west on Sixth street, displaying a revolver. When near Baymiller street he fired three shots.

He was cornered in the B. & O. yards, where the detective shot him.

Warned that the fight which started on Monday night in Lincoln Park would be resumed last night, Lieutenant George Bockhoefer of the York street police station assigned a detail of police to the park. Although the Lieutenant and four men posted themselves in various parts of the park and withstood the heavy downpour of rain they found themselves the only occupants of the park, and at a late hour last night gave up their vigil.

Shot During Quarrel.

William Penn, 34 years old, negro, 713 West Sixth street, was shot in the left chest by Dennis Harris, 39 years old, negro, 813 Richmond street. The former is in a serious condition at the General Hospital. The shooting, the police were informed, occurred in Penn's room, and was the result of an argument over a colored woman.

Judge Joseph Woeste fined Wil-

liam Gilmore, 19 years old, negro section hand, \$25 and costs for carrying concealed weapons yesterday. Gilmore was arrested during the row near Lincoln Park Monday night and police testified that they found a large knife in his pocket.

Emerson Schell, negro, Carlisle and Smith streets, who operates a soft-drink parlor at that address, was fined \$300 and costs for possessing liquor by Judge Woeste.

A PIECE OF OKLAHOMA JUSTICE

In securing a conviction of a Negro charged with the murder of a white man in Oklahoma a few days ago, State Attorney Crump made a strong appeal to the prejudices of the jury by impressing them of the fact that this is a white man's country, and the very fact that a Negro had killed a white man regardless of circumstances, that in itself was sufficient for conviction.

Having no instruction to the contrary from the judge on the bench, of course the jury brought in a verdict of guilty, and fixed the punishment at "life imprisonment."

Attorneys for the defense say they will take an appeal. This is what should be done. But what the public is most interested in is, what kind of justice do the attorney, judge and jury call this?

It is needless to say that those who have charge of administering justice are all white.

NAMED PRISON TRUSTEE.

The Negro Star
(The Lincoln News Service)

PHILADELPHIA, PA., Aug. 24,—Governor Pinchot has named as a trustee of the Eastern Penitentiary Mr. Ernest T. Attwell, who was formerly business agent of Tuskegee Institute and a member of the late Booker T. Washington's staff. This is an indication of the policy of the Governor to humanize the penal institutions of the State, as Mr. Attwell is considered to be an expert in this service. He was one of Secretary Hoover's assistants in the Food Administration during the war, and was later made director of the colored work in the Community Service, a position appointed by Governor Pinchot.

PHILADELPHIA EVE LEDGER
DECEMBER 28, 1923

SHE MISTOOK BURGLAR

Woman Thought Thief Was Husband Until He Passed Window

Mistaking a burglar for her husband, who left for work half an hour before, Mrs. E. A. Schepacarter, 932 South Fourth street, Camden, lay in bed shortly after midnight and, after watching the man walk around her room, asked, "Is that you, Shap? What are you doing back?"

The intruder mumbled a reply and then walked toward the room occupied by the woman's brother-in-law, Warren Duckworth. As he passed an open window she recognized him as a Negro and screamed.

Duckworth leaped from his bed and pursued the man downstairs. The burglar was too quick, however, and leaped through a kitchen window after dropping a large carving knife. He escaped with 70 cents and a wrist watch taken from a bureau drawer.

Pushing the Pendulum.

The South Carolina House of Representatives has passed a bill prohibiting the playing of pool or billiards at any place or at any time within the state.

This is but an indication of the extremes to which some of our honest but over-zealous legislators go in their efforts to bring about reforms.

The pendulum of a clock must have untrammelled play as it swings from extreme to extreme. The mechanism of the timepiece is so constructed that the pendulum goes the proper distance in its vibrations. To render perfect service, it must swing in its medium as provided by adjustment. It hangs in a perpendicular line only when it has ceased to function.

The pendulum of the clock, in its movements, illustrates the unwisdom of attempting by legislation to hedge about human beings with too many restrictions.

The activities of men call for a certain amount of play, a medium between extremes, just as does the pendulum of a clock. These activities may swing a certain distance either way without harm to self or others. So long as this is true, they should not be restricted.

Pool playing is a most restful diversion. There is no more harm in it than there is in playing dominoes. Many homes have their tables. Few clubs are without them.

It is probable that the bill of the South Carolina legislator is aimed at public billiard halls and pool rooms. These are patronized, as a rule, by traveling men and men who do not belong to clubs.

In itself a pool room is not an evil. It may be as quiet and as orderly as a library. It may become an evil and a nuisance if its proprietor permits.

However, governing authorities can easily look out for this. If the place is decently conducted, as many of them are, it should be permitted to run. If not, it should be closed.

It is folly to attempt to penalize the many for the sins of a few.

Our legislators should be careful not to push the pendulum.

Heaviest Sentence Given White Man For Murder Of Negro In Fifty Years

Columbia, S. C., May 19.—Jesse Cooper and Andrew Roberts, young cotton mill operatives of Columbia, were found guilty of the murder of C. R. Cannon, a Negro taxicab driver in March, 1921, by a jury in court of general sessions here this afternoon. A recommendation to mercy

was coupled with the verdict, thus automatically making the jury's findings equivalent to a life sentence for each of the defendants.

The jury was out with the case for an hour and a quarter, returning a verdict about 4 o'clock.

The death of Cannon, who was found in his automobile with a bullet wound in his head remained a mystery for eighteen months. Last fall, however, officers developed a clue, and secured from Roberts, who was serving a sentence in the penitentiary at the time a confession which implicated Cooper, they said. Two other men were arrested on suspicion of being connected with the killing of the taxi driver, but they were not brought to trial, the State not securing sufficient evidence against them.

Sentence of imprisonment for life was passed on Cooper and Roberts this afternoon by Judge Townsend.

Both of the defendants admitted being present at the time of the shooting, but each denied that he fired the first fatal shot. The State contended that one of them held the Negro while the other shot him in the head, with robbery as the motive.

(Sumter, S. C., Daily Item)
TRIUMPH FOR JUSTICE

Columbia, S. C., May 19.—The conviction of Jesse Cooper and Andrew Roberts who have been on trial for murder for three days is regarded as a triumph for justice. These men were accused of killing a Negro

transfer driver eighteen months ago.

The Negro was found dead in his car and the matter was a mystery for months when the officers of the law finally landed upon clues leading to the arrest of Cooper and Roberts.

The case is similar to that of Fox Kirby and Gappins, who killed a white transfer driver and subsequently were electrocuted.

Cooper has served sentence before. Cooper testified that he had been a policeman in North Charleston in 1919. The officers after suspecting Cooper and Roberts separated them and induced each one to tell on the other.

(Sumter, S. C., Daily Item)

NEGRO IS ACCUSED OF SOUTH CAROLINA MURDER

Was Arrested at Myrtle Mill. Near the Scene of the Recent Ford Killing.

Special to The Observer.

GASTONIA, Nov. 22.—Local officers, under the leadership of Chief Aderholdt, were responsible for the arrest yesterday at the Myrtle mill near the scene of the Ford murder of a negro thought to be by the name of Meeks, wanted by South Carolina authorities for a murder occurring three years ago.

It had been reported that Meeks had been seen at Bessemer City and policemen there got in touch with Chief Aderholdt's force asking that a look-out be kept for him in this vicinity. South Carolina police were also called up this way and aided in the apprehension of Meeks.

The negro boy thought to be Meeks was found first by Chief Aderholdt after a long search near the scene of the Ford murder. He was lying in the grass by the side of the road when taken into custody. The man arrested denied guilt and claimed his name was Walter Goode. He was taken to Bessemer City and from there back to South Carolina. It has not been learned here whether he has been identified as the man wanted.

Crime—1923.

CONVICTED OF SLAYING COP IN WOMAN'S HOME

McLEOD TO AWAIT ACTION AT PRISON

Governor Disapproves Chain- ing Negro And White Prisoners Together

Disapproving of the "custom—if it is a custom" of bringing white and negro convicts to the state penitentiary chained together, Gov. Thomas G. McLeod will await the action of penitentiary authorities on the matter, he announced yesterday afternoon.

The issue was raised by the protest of Greenville folk, headed by the American Legion, against the manner in which Jackson Collins, convicted war veteran, was brought to the penitentiary, where he has begun the serving of a seven year sentence. Collins was chained to a negro, Dave Foarch, the two being brought to the prison by one guard, who rode with them in the negro coach from Greenville to Columbia. The American Legion, it was announced in Greenville, may file a formal protest with the governor, whose information concerning the incident has been so far derived entirely from newspaper accounts.

"I regret to hear of it," the governor said. "I do not approve of the action or custom—if it is a custom. It comes as a surprise to me since even at the penitentiary the segregation of races is observed—and my disapproval is in no wise conditioned upon the fact that Collins is an ex-service man. The tendency to consider a prisoner merely a convict and nothing more is to be deplored.

"The matter clearly comes within the jurisdiction of the penitentiary authorities and I have no doubt that Superintendent A. M. Scarborough will give it prompt and proper attention. I will, of course, await his action."

Mr. Scarborough is not now in Columbia and is not expected to return for several days.—The State.

GREENVILLE, S. C. Sept. 29.—On suspicion that he was the person who killed policeman George Burroughs at the home of a colored woman with whom Burroughs is said to have been intimate, William Thompson, a young colored man of this city, was tried, convicted and sentenced within seventy-two hours after his arrest for the crime, to be electrocuted. Later his sentence was commuted to life imprisonment by the presiding judge. The Minter Home Company, a white concern for whom Thompson worked, procured counsel for his defense.

TWO NEGROES DIE IN ELECTRIC CHAIR

First Double Electrocution in More Than a Year.

MEET DEATH CALMLY

Julius Garvin and Frank Gaines Have Little to Say in Death Chamber.

For the first time in over a year and a half in this state two persons died in the electric chair on the same day when Julius Garvin and Frank Gaines, Beaufort county negroes, were electrocuted at an early hour yesterday morning for the murder of Mr. and Mrs. W. D. Brown on Hilton Head island.

Both negroes faced death calmly. Because of a remark made by Garvin a few days ago, at which time he said that he would not die in the electric chair, it was feared that perhaps there might be a struggle from him but he showed no signs of resistance.

Garvin was led into the death chamber first. He was asked if he was ready to go and replied that he was. He said, "I am sorry that I did it but it is too late now. I know I ought to have thought of it beforehand." He was strapped in the chair and the current was turned on at 6:39 o'clock, 1,900 volts being sent through his body for a period of a minute. The penitentiary physician pronounced Garvin dead four and a half minutes after he had entered the chair.

Told the Truth. Gaines was strapped into the chair at 6:58 o'clock. He said that he was ready to go and that "I told the whole truth about it." The current of 1,900 volts was left on for a minute. In slightly more than four minutes he was pronounced dead by the physician.

South Carolina.

Despite the fact that the electrocutions were held early, so many persons were present they had to be divided into two squads and each allowed to see one of the electrocutions. Among those present was W. A. Campbell, son-in-law of the aged couple who met their death at the hands of Garvin and Gaines.

Funeral services were conducted yesterday afternoon for the two negroes, the Rev. Dean Crain, pastor of the Second Baptist church, and the Rev. D. F. Thompson, negro, and other ministers taking part. Garvin and Gaines were buried in the penitentiary burial ground.

History of Crime.

Early on the morning of July 4 the negroes entered the residence of Mr. and Mrs. Brown, an aged couple occupying a house adjoining a little store and postoffice on Hilton Head island. After the two persons had been struck with heavy instruments fire was set to the house. The body of Mr. Brown was found in the ruins of the house the following day and the body of Mrs. Brown was found later in the week.

The two negroes were apprehended in Charleston, to which place they had fled soon after the crime was committed. They were brought to the state penitentiary for safe keeping and then sent to Beaufort for trial, being sentenced to die in the electric chair by Judge J. K. Henry. They were admitted into the death house December 6. During the last few days of their stay in the death house special guards watched Garvin, who had been overheard to threaten that he would never die in the chair.

Garvin was 28 years old and was born at Hilton Head; Gaines was two years younger and was born at Beaufort.

C. O. Fox, Jesse Gappins and S. J. Kirby were electrocuted June 16, 1922, but since that time not more than one person has died in the electric chair here on any single day. The last execution before the one yesterday took place July 20, when George Allen, negro, paid the death penalty.

DEC 17 1923

A Disgraceful Condition

Statistics show conclusively that the negroes in the State are more law abiding than the whites. This state of affairs is by no means confined to Cherokee county, but for the past year or two many more white people have been convicted than negroes. At our last term of court twenty odd white men were convicted and about four negroes.

It may be said that this condition is largely due to the operation of the prohibition law; that whiskey is so expensive the negroes are unable to deal in it but if you will look over the county of Cherokee and see the large

number of negroes who are "well fixed" you will see that such reasoning is false.

Time was, and not so long ago, that the white man in the prisoner's dock was a rare sight, and the colored population was responsible for at least seventy-five per cent of the law violations, but the figures are now reversed, and it is with the deepest regret that we chronicle this fact. Of course, it would be a source of much gratification to us to realize that our negroes are becoming more law abiding,

it would be deplored that our white population is losing its respect for the law.

Next to violation of the prohibition law, the promiscuous practice of giving bad checks is most frequent, and this practice is confined almost exclusively to the white people, as it is only occasionally that a negro is charged with this violation. Now this cannot be attributed to the fact that few negroes are able to write, because many white men who are unable to write, but make their marks, give bad checks.

We cannot understand why it is that people will persist in giving checks when they know they will be dishonored, and yet there are people in Gaffney (white people) who have repeatedly paid costs after being arrested for this violation. The law is most salutary and has enabled many people to collect more money which was justly due them. It cannot therefore be said that our people have no respect for this law. We know that no law is a success unless it is respected by the people, and we are very sure that all of our best citizens are bound to respect a law which insures to their good, but those who constantly violate it say that it works a hardship upon them. It is our earnest hope that all of our people, both white and black, will resolve that henceforth they will respect and obey the law, and that Cherokee may become the most law abiding county in this great commonwealth of ours.

Crime—1923.

Spencer, Tenn., March 16.—Maddened by the taunts and gibes forced on him by those around whom and for whom he was supposed to work, Lewis Douglas, paroled convict, shot five persons, relatives of the secretary of state, Ernest Haston, and led an angry posse in a futile chase until he was trapped and shot down in cold blood less than 100 feet from the spot where he had used his own shotgun. *Chicago Defender*

Douglas' crime set three counties on end. Every police officer and every private citizen, who could, joined in the frenzied man-hunt that ended in Douglas' death. *Chicago, Ill.*

Those he shot were: Sam Haston, Mrs. Sarah Haston, mother of Sam; Mrs. G. D. Shaperro, sister of Sam; Mrs. Dewey Hopkins, daughter of Joe Forsythe, a farmer, and Tullus Trogden, an 18-year-old farm hand. All those shot are white.

The crime occurred at 3 o'clock in the morning.

When Douglas called at the Haston home, members of the family were sitting up at the bedside of Sam Haston, who was dying. Douglas is said to have used an as the people inside the house to answer his knock at the door. No explanation has been given to whether the occupants of the house rushed to the door or came in.

Betrayed by White Man.

Douglas was captured at the home of Revedy Manus, a tenant on the Haston property. Manus is white. He, by betraying the fugitive, aided in his capture.

When the shotgun murderer got hungry and tired of trailing it through the mountains, he returned to the farm three miles from this city, where he had worked and sought food. He was defiant, unafraid. He demanded that Manus give him something to eat. The white man obeyed for fear of his very life.

Douglas explained to him that he had not done anything yet. He said that he was sorry he had shot some people he had nothing against, but there were others who had made life hard for him whom he hadn't got and whom he would kill as soon as the opportunity came.

He named Dr. R. M. McGinnis and his son, Landis McGinnis; Ed Clark, Van Buren county sheriff, and Clark Hodge, a farmer, as the other men he wished to kill.

He was asked why he should shoot the people who had befriended him. It was pointed out that the family he was paroled to was related to the secretary of state and that they had shown unusual consideration for him—too much for him to act in the manner that he had.

Angered by Poor Whites

He explained to Manus that he was grateful to the Hastons for what they had done for him, but because he was a paroled man cheap whites in the district had sought to rub it in on him. They made his life continuously miserable. They felt that he had no comeback and he had been goaded to anger and attempted murder by their incessant taunts.

His lack of sorrow or fear he attributed to the fact that he did not

expect to get out of his predicament alive. He merely sparred for time. He knew that the mob of "best citizens" was after him, and he was sure of what would happen to him once this mob should catch up with him. Therefore, he told Manus, he was going to fight to the end for his life, refusing to be taken alive.

Manus explained that there might be an easier way out. He told him that Mr. Haston liked him and inasmuch as no one of the persons he had shot had died, there might be a chance for him. Douglas listened to the white man.

Offered to Pay

"I want to fix this thing up," Douglas answered the white man. "Tell him I'll pay the costs if he will get me turned loose."

The white man agreed to deliver the message to the man who had been shot in both legs by discharges from Douglas' gun. The latter told Manus that he would return in the night for an answer. He made it clear, however, that he would not surrender unless immunity was granted.

When Douglas departed for the hills where he was hiding, Manus communicated the news of his return to the sheriff of Van Buren county and to the Haston family. It was decided to trap him upon his return to the Manus home. The plans were laid in secret. Three deputies from Van Buren county, one from White and two from Putnam county were assigned the dangerous task of bringing the career of Douglas to an end. They entered the Manus home during the day.

Returned With Gun

True to his promise, Douglas returned to the home at 7 o'clock. He knocked on the door and it was opened from within by Manus. The room was in semi-darkness. As Douglas entered the kitchen his gun was at his shoulder and both triggers were cocked.

"Well, there don't seem to be no body here," he is reported to have told Manus, "so I'll just come on in." The door is fastened by an old-fashioned "button." Douglas turned to secure the fastening. At that moment the six deputies in the room poured a volley into his body. He sank to the floor dead. He was shot again and again.

Tennessee

The officers of the law who had the honor of firing upon Douglas without notice were: Ed Clark, Claude Baker and George Grissom of Van Buren county; Bob Townsend of Sparta, White county, and Joe Maddox and George Tippins of Putnam county.

Haston Helped Lay Trap

Plans to trap Douglas were made with the aid of Sam Haston, and the shots that ended his life were heard at the Haston house.

As soon as the news of Douglas' shooting spree reached Nashville Secretary of State Haston set out post haste with a brace of blood hounds.

All the towns in three counties were searched to no avail. The blood hounds lost the trail after following it for 10 miles. Douglas boasted to Manus that no blood hounds could trail him and catch him.

The posse was confused by a variety of false reports that were circulated by the excited inhabitants of the mountain towns. At almost every minute word was coming in that the fugitive and former convict had been seen here, there, or some other place. Much energy was lost in searching out these various identities. After three days the posse was tired and ready to quit.

Corpse on Exhibition

A renewal of life came, however, with the murder of Douglas. The body was taken from the Manus home and put on exhibition from the Spencer school house porch. A guard was placed around it so that everybody in the town might come and see it. It is said that no one who ever died in the little town ever had so many persons come and take a last look as the fighting fugitive of Haston.

Preparations were made by the leading people of the town to cremate the body in approved Southern style the next morning. Out-of-town newspapers were supplied the information that there would be something in the nature of funeral pyre done in honor of the shotgun convict.

Colored Girl On

Trial For Murder

Dayton, Tenn., Aug. 15.—Miss Josie Cox, a colored girl only 16 years of age, was placed on trial Thursday, charged with the murder of "Black Jim" Darwin, white, a prominent farmer for whom she worked. The girl cooked for the Darwin family and it is said by the prosecution arrived late for work whereupon Darwin discharged her. The State's witness claim that she rushed into the room with an ax and struck him twice on the head. The girl's story has not been heard yet.

COLORED GIRL ON TRIAL FOR KILLING EMPLOYER

The Left Louisianan
Associated Negro Press.

DAYTON, Tenn., Aug. 15.—Miss Josie Cox, a colored girl only 16 years of age, was placed on trial here Thursday charged with the murder of "Black Jim" Darwin, white, a prominent farmer for whom she worked. The girl cooked for the Darwin family and it is said by the prosecution arrived late for work whereupon Darwin discharged her. The State's witness claim that she rushed into the room with an ax and struck him twice on the head. The girl's story has not been heard yet.

Crime — 1923

OFFICER WACO'S AT IT AGAIN!

Well, sir, what do you know about little old Waco, better known as "Barbecueville," trying to maintain a monopoly on front page publicity by the recurrent perpetration of such mysterious murders?

Another one of these celebrated crimes, for which Waco has become famous, was discovered a few days since and in this instance both the man and woman were cold in the arms of death.

Press reports state that the authorities are exerting every energy to apprehend the guilty culprit or culprits and bring them before the bar of justice.

What has come over Waco that no "big, black, burly brute" is charged with committing this brutal crime?

Have all of the likely "Negro youths" either been lynched, burned at the stake or deported? It begins to look that way since it seems that the "usual" colored man has not yet been found upon whom to lay this latest crime.

Pshaw! What is the matter with the peace officers of Waco and McLennan County that they can not apprehend the customary "scape-goat?"

Where is that "huge Negro" reported springing up from nowhere on those "lonely county roads?"

Can't law-abiding and peaceful citizens of the community take a little automobile ride out into the rural regions without being ruthlessly and shamefully murdered?

What kind of food is this upon which Wacoans feast that causes them to commit these "peculiar" crimes upon "spooning" parties under such "peculiar" circumstances?

Are these crimes perpetrated by envious and jealous-hearted persons, or are they the result of depredations of "vigilantes" trying to break up the practice of auto parties on "lonely country roads?"

There is something radically wrong in Waco and its environs and the person in the woodpile does not seem to be a Senegambian.

However, if the authorities can not run down the criminal or criminals, we would suggest that they fall back on their old "stand-by" and nab some "Negro," indict and convict him for the crime.

Why not go out and catch some colored youth, take him before some relative of one of the deceased persons, permit said person to riddle the unfortunate colored youth's body with bullets, then take his lifeless form, drag it all over the city and then burn it to a crisp on the public square, while men, women and children applaud and cheer frantically and vociferously?

If this is not done, then Waco stands chances of losing the spotlight to such insignificant places as Mer Rouge, La., Kirven, Texas, and other one-horse burgs in Dixie.

"Yeth thur," officer, Waco's at it again, and we advise you to throw out your dragnet and capture the "big, black, burly brute,"

Texas.

and treat him to a dose of the celebrated and famous Waco mobocratic concoction. Selah!

Arrest Negro Suspect in Connection With Attack

Associated Press Report.

AUSTIN, Texas, Feb. 7.—Homer Toney, 46, negro, was arrested and a complaint of assault to murder was filed against him in connection with the shooting Tuesday night of H. C. Greer, grain dealer, who was probably fatally wounded by a negro burglar.

Greer, the officers state, has identified Tony as his assailant. The negro is being held in the county jail here. Greer was shot and probably fatally wounded by a negro near his merchandising store. He told police he was fired on by a negro who was attempting to rob the store. He also reported that he fired at his assailant three times after being shot.

Five North Texas Oil Men on Way to 'Pen'

FORT WORTH, Texas, June 18.—Five oil promoters, the first victims of the federal government's wholesale prosecutions in Fort Worth and Dallas, left here this afternoon for Leavenworth to begin their prison terms. In the party were "General" Robert A. Lee, L. G. Byrds, J. W. Carruth, all convicted in Fort Worth; and B. H. Peeler and V. P. Chancellor, convicted in Dallas. Lee's term is 10 years; the others one year.

IVORY CLAY HELD WITHOUT BAIL FOR MURDER GRADY SKIPWORTH AFTER HEARING LASTING ALL DAY

Negro Remanded to Jail by Justice Padgett Following Testimony in Cameron Park Tragedy of November 20.
Alibi Evidence by Defense.

WACO TEX HERALD
JANUARY 10, 1923

At the conclusion of the arguments, after hearing the testimony in the examining trial of Ivory Clay, the negro charged by complaint with the murder of Grady Skipworth and assault upon Miss Naomi Boucher, his 21-year-old companion, Nov. 20, Judge J. J. Padgett remanded the defendant to jail without bail Tuesday evening at 6 o'clock.

Brief speeches were made by C. S. Farmer, county attorney, representing the state, and J. F. Sheehy, one of the attorneys for defendant. Mr. Farmer contended that the positive identification of the negro by the girl was sufficient to hold him without bail and asked the court to send him back to prison.

Mr. Sheehy dwelt upon the testimony, attacking certain phases as being contradictory. He asked that the negro be released on bond. He deplored the disposition to grab a negro every time a heinous crime was committed and railroad him to his death.

Mr. Farmer, in closing, insisted upon sending Clay back to jail to await the action of the grand jury. He was not then asking for his conviction. He only asked that he be held in confinement until a grand jury could investigate.

Mr. Garrett of the firm of Garrett and Sheehy did not speak. The firm represents the negro.

Ivory Clay, the defendant, sat through the trial without betraying any alarm or excitement of any kind. His father, D. E. Clay, sat beside him.

The Fifty-fourth district court room was filled by 1:30 Tuesday afternoon, 30 minutes before the time set for resumption of the examining trial of Ivory Clay, the negro charged with the murder of Grady Skipworth and assault upon his girl companion on the night of Nov. 20, 1922. About one-fourth the audience was made up of women, most of them of tender age. There were a few older women.

Miss Boucher, mother and brothers entered the court room at 1:45.

John Ivory Clay was brought from the jail he was guarded by Constable Harvey Butts, Ranger Captain R. D. Shumate, Deputy Constable Joe Rutland and special officers Henry Boyd and Jess Farquhar. All were heavily armed, Cap-

tain Shumate bearing a small machine gun. The crowd was orderly and seemingly in good humor. Prior to the arrival of Judge Padgett the hum of conversation was constant.

Chemist Offers Testimony.

Dr. W. T. Gooch was the first witness in the afternoon. He is head of the department of chemistry of Baylor university. He examined a window shade soon after the murder. He found blood stains thereon.

Cross examined Professor Gooch said he could not tell whether or not it was human blood.

Ranger Burton, was recalled and recognized shells taken from Ivory Clay's house. He said in response to a question by County Attorney Farmer that the statement made by Miss Boucher on the witness stand was the same as she had made to him every time he had talked to her about it. In response to a question by Attorney B. A. Garrett, he said Miss Boucher had never expressed a doubt as to the identity of the negro.

Arrival of Girl at Dunn Home.

Mrs. C. W. Dunn, 1134 Herring avenue, was placed on the witness stand. She told of the arrival of Miss Boucher at her house the night of the murder. The girl's clothing was badly torn and she was excited. Her feet were a little muddy.

Witness repeated the story told her by the girl. It corresponded with the statement of the girl on the witness stand. Miss Boucher had said that the negro attempted to lead her away after making the young man lie down on the ground and that Grady jumped up and started towards them when the negro shot him. She did not hear anything said about robbery. This statement was elicited on cross examination.

On redirect, witness said what she had testified to as Miss Boucher's statement was the substance of what she said or as she understood it.

The girl told witness that she would recognize the negro anywhere. She did not remember that Miss Boucher had told her that he was a yellow negro.

At the conclusion of the testimony of Mrs. Dunn, County Attorney Farmer announced that the state rested.

Defendant's Witnesses.

L. W. Wells was the first witness for

defense. Had known Ivory Clay six years. Was at his house Monday night of the murder, about 8 o'clock. Clay was there. He and his, Clay's wife, were eating supper. Witness left Clay there.

It was after dark, but he did not know how long. He remained about 30 minutes.

Crossed by Mr. Farmer, witness said he knew the distance between Clay's house and Lover's Leap. A man would have had time to go to Lover's Leap from there after he left, before 9:30 o'clock.

Married Five Days Before Murder.

Lona Clay, wife of Ivory Clay, testified that she and Clay were married five days before the murder at Lover's Leap. Her husband came home in the afternoon and remained. They had supper about 7:30 p. m. and L. W. Wells came and remained about 15 minutes. Later Ernest Edwards and Ora Hardy came. They left about 10 o'clock. After they left she and her husband went to bed. He got up at about 6 o'clock the next morning.

Cross examined: Married Clay a week before he was arrested. He did not have to marry her. Did not know when she would become a mother.

Mattie Knowles, 1112 Taylor street, knew Ivory Clay a long time. He roomed at her house after his marriage. Saw him there the night of the murder. Shown the stains on the window shade, she said the spots must be red paint or stain from that used in staining the floor. Saw Ivory Clay at home during the night. They had company early in the evening. Ernest Edwards and his girl came and were there at 9:30 or later. Ivory Clay was in the house from 6:30 until 11 o'clock. Witness had signed a statement written out by a man who came to her house telling about Ivory Clay being at home that night. Edwards and his girl left about 10 o'clock or a little after 10 and Ivory was there at that time. He did not leave the house that night.

Saw Negro at Home.

Ernest Edwards resides in East Waco. Had known Ivory Clay 15 or 16 years. Saw Ivory Clay at his home the night of the murder. Left there at about 10 o'clock or later. When he arrived Ivory was not at home. His wife told him Ivory had gone to his father-in-law's house. In about 20 minutes Ivory came in. He entered the front door. He did not leave the house while witness remained. When Ivory came in he told his wife his father-in-law had killed hogs and his wife asked why he had not brought some of the meat home with him. His reply was that they had not finished killing and that she could get some of the meat the next day.

Ora Hardy resided in East Waco. Knew Ivory Clay. Saw him at his home on the night of the murder. Remained until about 10 o'clock Ivory Clay came in between 7 and 8 o'clock and remained the balance of the evening.

Cross examined by Mr. Farmer, the witness said it was earlier than 9 o'clock when Ivory arrived. Did not see

Mattie Knowles until she came in the room some time after 9 o'clock.

Ivory walked into the room and told his wife he had been over to her mother's and that they were killing hogs. His wife did not ask him how he got blood on his hands. If she made a statement to the effect that Ivory came in at 9 or 9:30 it was a mistake.

Comanded to Halt.

J. P. Williams, white, resided on the Wilson farm near the John Baker place. Remembered the night of the Skipworth murder. His son, Gilbert, and a negro boy was with him. Witness saw a car standing near the road and when he got within about 10 feet of the car he was ordered by somebody at the car to not come any closer. He stopped and there was a shuffling of brakes and a noise as if the cushions were being adjusted. The voice of the man who halted him was that of a white man. Witness had seen Miss Boucher and that she recognized him as the man that approached the car that night.

Dead Boy's Father a Witness.

L. A. Skipworth, father of the Lover's Leap victim was the next witness. Saw the body of his son after his death and one eye was black. He had no such mark when he left home that evening.

Dr. G. B. Foscoe testified he was engaged in practice of medicine. Had been practicing 35 or 40 years. A blow on the eye after death would not cause it to blacken. The tissues must be broken before the circulation of the blood had ceased.

Girl's Coat Introduced.

Attorney Sheehy introduced the coat worn by Miss Boucher, as evidence.

Mr. Burton was recalled and described the condition of Miss Boucher's shoes when he saw them at her home. One of them had blood on top as if it had been stepped on with a bloody shoe, or shoe with blood on the sole. He examined the coat said to have been that of the negro. He had submitted the coat to Dr. Gooch and pointed out some blood stains.

Crossed by Mr. Sheehy, Mr. Burton explained the landscape where the three alleged fishermen had been accosted by the party in the coupe that night.

I. Mack Wood was sworn. He is deputy sheriff. Was serving in that capacity on Nov. 20 and later took some statements made by a number of negroes, as to Ivory Clay being at home during the fatal night. He recognized statements shown him as those that he had taken down. He had talked to Mr. Williams, who saw the Ford coupe, and his recollection was that Mr. Williams said he was not sure whether it was a white man or a negro who ordered him to stop. That if it was a negro he spoke good language. Witness recognized a coat found in the home of defendant. Also the window shade as one secured from defendant's room. The blood spots were on it when it was taken down.

Believed It Was White Man.

Henry Boyd, testified that he knew Mr. Williams. Heard him talking to Deputy Sheriff Wood. Williams said on that occasion that he believed it was a white

man that spoke to him. But he could not tell positively.

C. M. Seley was the next witness. Visited the point where Williams said he was halted by the man in the Ford coupe. He corroborated the statement of Mr. Williams as to distance from the car to the place where Williams stood and from the main road. Witness had stepped the distance from where Skipworth is said to have been killed to the cliff. It was 22 steps.

Both sides rested and the arguments began. The decision of Judge Padgett was as stated at the beginning of this

NEGRO, CONVICTED ON FIVE CHARGES, TO APPEAL CASE

Mitchell Maintains He Was Not Given a Square Deal

Associated Press Report.

WACO, Texas, April 12.—Roy Mitchell, negro, convicted of five murders and given the death penalty in each case, gave notice of appeal when brought into court this morning for sentence. He was asked by Judge R. I. Munroe if he had anything to say as to why sentence should not be passed on his conviction of the murder of Mrs. Ethel Denecamp. He gave notice of appeal.

Interrogated as to four other cases Mitchell also gave notice of appeal. He said: "I don't think I got a square deal."

Directing the sheriff to take the negro back to jail Judge Munroe said: "While I do not delight in human misery, you are the one man I will take perfect delight in sentencing to hang."

County Attorney Farmer announced that he would go to Austin in an effort to get the cases advanced on the appellate court docket.

Mitchell will go to trial on April 19 for the murder of Mrs. Lula Barker at Concord, near here, in February of last year. The case was set by Judge Munroe this morning and a special venire of 50 men summoned.

Mrs. Barker, her husband, W. H. Barker, and 13-year-old Homer Turk were killed at the same time. Mitchell has confessed the killing, officers say.

Two other negroes also confessed, one being given a life sentence and the other the death penalty. They pleaded.

CONDEMNED MAN ACCUSES

WHITE MAN OF THE CRIME

The Baltimore Herald 8-15-23
Angleton, Tex., Aug. 8.—Nathan

Lee was sentenced to be hanged on August 31st. In making a statement before sentence was passed on him Lee denied that he killed M. Spurgeon, an accused prominent white man of this county. Lee is said to be an illiterate Negro, unable to read or write. The county officials seemed to take no account of the accusation against the white man made by the condemned Negro and it is thought that nothing will be done to ascertain the truth or falsity of Lee's claim that a white man shot and killed Spurgeon, unless some civic organization takes a hand in the matter and sees that the district attorney's office makes an investigation.

NEGRO WILL DIE IN ELECTRIC CHAIR

The Houston Post 8-28-23
Huntsville, Texas, Aug. 27.—

Mack Matthews, 45-year-old, Tyler county negro, who is to be the first Texas prisoner to pay the death penalty by electrocution, was brought here today by Sheriff Barclay of Tyler county, and assigned a cell in the new electric death house.

Matthews, sentenced August 18 for wife murder, is to be executed September 20. He is a tall, slender, chocolate brown negro and stated today he "is ready to go."

The execution by hanging of Nathan Lee, negro, at Angleton, Brazoria county, August 31, will mark the end of hangings as a legal penalty for crimes in Texas. The negro was convicted of killing a prominent farmer of Brazoria county in a dispute over the division of crops. He has steadfastly maintained his innocence of the crime.

CONDEMNED MAN ACCUSES WHITE MAN OF THE CRIME

The St. Louis
Preston News Service.

ANGLETON, Tex., Aug. 8.—Nathan Lee was sentenced to be hanged on Aug. 31. In making a statement before sentence was passed on him Lee denied that he killed M. Spurgeon and accused a prominent white man of this county. Lee is said to be an illiterate Negro, unable to read or write. The county officials seemed to take no account of the accusation against the white man made by the condemned Negro and it is thought that nothing will be done to ascertain the truth or falsity of Lee's claim that a white man shot and

killed Spurgeon, unless some civic organization takes a hand in the matter and sees that the district attorney's office makes an investigation.

OFFICER CLEARS KIDNAP MYSTERY

The Houston Post

Mystery surrounding the kidnapping of Sam Bowden, negro, 2711 Sterrett street, near the Clinton road at Cline and Green streets at 11 p. m. Saturday was explained Sunday by Constable W. E. Hicks of Harrisburg, who told The Post that Bowden was being held in the Harrisburg jail pending investigation of the affair.

According to Constable Hicks, he and two companions were driving along the Clinton road after breaking up a negro dice game at the side of the road. The negroes abandoned a light truck in their flight, Hicks said, and he was taking it to Harrisburg jail for safe keeping. The party was stopped by a car blocking the road, Hicks said. Bowen was in the rear seat of the car and when told to clear the road he cursed the officer and drew an automatic pistol on the party, Hicks stated.

He was arrested and after a spirited scuffle was placed in the officer's car and taken to jail. Both the negro and the truck are still at the Harrisburg jail.

Texas Jails Idle Negroes

Kansas City Sun

Ft. Worth, Tex., July 26.—All policemen in this city have been instructed by Police Commissioner John Alderman to arrest and jail all Negroes in the city who are found to be without jobs. 7-28-23

"In this way," said the commissioner, "we may be able to identify Negroes who have committed unsolved crimes. Clean your beats of all Negro loafers and send them for investigation. We may avoid burglaries and holdups in this way." These instructions to white policemen have resulted in a number of outrages against good citizens in this city. *Kansas City Mo.*

Policemen, without cause, openly insult Negroes whose dress indicates they are not of the "ditch-digging," or "house-janitor" type. The Police Commissioner highly complimented officers Lee, Dowell and Ed. Young who captured and beat severely a Negro accused of holding up a citizen several nights ago. He was accused also of entering and robbing a home in which a white woman was alone at the time. Jones denied the crimes.

Crime 1923.

OUR RACE PUT IN A VERY BAD LIGHT.

The ease with which certain local members of the colored race can commit crimes and then get off easily, or, if indicted, get light sentences or be acquitted (where their victims are members of their own race), is doing our race and community an irreparable injury. *Houston Informer*

The *Informer* does not condone crime among any people, nor does it endeavor to sit in judgment, but this paper knows that when men will yank out revolvers and fire indiscriminately and promiscuously on the streets, often maiming or slaying innocent bystanders and passersby, such characters should not be turned loose on society to run at large and become a veritable mad dog, raging maniac or gun-man. *Houston, Tex.*

The *Informer* believes in the majesty of the law and supremacy of right; but, when desperadoes, arch-criminals and social menaces and pests can commit almost any crime under high heaven, against and upon members of their own race and then have their "white folks" to "fix it" for them, such procedure is calculated to have a reactionary effect upon both our race and the social fabric.

What man is there among us who would knowingly and willingly permit a dog, infested with rabies, to run at large through the streets of the city and possibly pounce upon and inject his poison into the bodies of men, women and children?

Where is the man who would tolerate a deadly reptile or ferocious animal to stalk abroad throughout the community and strike down innocent and helpless people, without this man putting forth some effort to put the snake or wild animal out of commission? *11-24-23*

How can the colored race become better, morally, when the race is blighted and dwarfed by such an extremely large colony of these dangerous characters and society menaces—persons who should be serving time in some penal institution or reformatory school!

Conditions are rotten and alarming in this respect in Houston, and this city may not be any exception to the general Southern rule in this respect, especially when and where all the principals are of ebony hue or identified with the colored race.

But, on the other hand, even in self-defense and in honor of the chastity and sacredness of his home, if a black man happens to become involved in an encounter with a white man—even for defense of these noble and sacred principles—the colored brother has some hard sledding, indeed; especially if he evolves alive or the victor.

Numerous dives and crime incubators are ubiquitous in this community and in these resorts hundreds of colored boys and young men are going pell mell to destruction, degradation, disgrace and ultimate death!

If the authorities will not engage in a little house cleaning in these parts (these sporadic raids and subsequent imposing of fines and "costs" have demonstrated the impotency and futility of such procedure), then the colored citizens who stand for law and order and supremacy of right (and their names are legion!) should let the world know that such deeds, dives and dens, even if winked at from other sources, are not our conception of the practices and institutions that go to make and develop a law-abiding, respectful,

Texas.

decent, vigorous, robust, virile, stalwart and moral race; and that we frown upon and denounce, as well as deplore, these abortions of justice and favor the suppression and obliteration of all dens, dives and resorts that serve as a rendezvous for the criminals and parasites, both actual and potential.

If a man can kill a member of his own race or commit some other crime against or upon a member of his own group with immunity, it will not be long before he will cross the line.

If he happens to be a colored man, our race is blamed for it; when, in reality, the social family, but particularly those in authority, are largely responsible and chiefly blamable for his criminal deeds and acts.

To arrest a bunch of colored crap-shooters and then permit them to "roll de bones" in the court room while the indictment is being prepared, simply says to these gamblers: "Hurry up, pay your fine, go on back and gamble some more, and, thus while giving us a chance to get fat out of your cases, we will be making criminals out of you!"

To turn loose a black murderer without the semblance of a trial or even preliminary hearing, it matters not who his victim was or the circumstances leading up to and surrounding the crime or deed, simply tells that gunman to continue to tote his pistol and burn up the first person that gets in his way.

To permit colored cooks, maids, nurses and other female employes to live on their employers' premises in open adultery and concubinage with male members of their race (and some times other races), simply encourages immorality and rascality among our people; while it also affords our critics and enemies a golden opportunity to discredit, denounce and declaim our racial contingent.

To underpay colored help and thereby contribute to their delinquency by forcing them to steal or prostitute themselves in a vain effort to make both ends meet, is planting a seed that will germinate into a plant that will be neither attractive nor possess any sweet aroma or fragrance; but will be a disgrace to our race, community and society.

The colored race can not build up a strong and moral race, unless their white neighbors and friends lend them a helping hand; and, if they want to perform such signal service to their colored citizenry of this community, due cognizance will be taken of the conditions complained of in this editorial and they will make a real, sincere effort to rectify these evils and remedy these conditions.

For after all is said and done, all the citizens of Houston constitute one mammoth family and whatever affects one for weal or woe, will sooner or later affect all.

THAT INIQUITOUS FEE SYSTEM.

Much has been said and written about and against the iniquitous and infamous fee system of Texas, yet, with all its evils, ills and defects, there has never been any concerted action to abolish the system and consign it to the scrap-pile with other dark-age and obsolete methods of dealing with crimes and criminals.

We read an interesting and illuminating article in one of our daily newspapers, lately, regarding the operations and activities of certain fee-grabbing officers in this county; who make pro-courthouse raids, with colored people as their chief victims, and then get the justice of the peace out of his bed and compel these often innocent and defenseless persons to plead guilty to various and sundry crimes.

This system of colored people pleading "guilty" to charges is no uncommon practice in the South, whose section is blighted and dwarfed by the high-handed, unscrupulous and unprincipled actions and deeds of so many of its peace and constabulary officers, who eke out a bare existence or grow wealthy and fat, fleecing and filching the helpless, innocent and defenseless colored citizens out of their meagre means on finable charges and accusations.

Next to lynch-law, the iniquitous fee system has done more to stimulate the exodus of the colored brother to the North and East and cause dissatisfaction among those remaining here than any other form of Southern injustice and inequality; for it is nothing more or less than legalized lynch-law.

It matters not whether the accused is guilty of some crime or not, if the arresting officer or officers say that the black man or woman (as the case may be, as they raid and arrest nearly as many women of the race as they do men) is guilty of some crime, he or she is guilty and all the witnesses under high heaven can not influence the court's verdict to the contrary.

One justice of the peace said to a colored man during the last week of his tenure of office, "Boy, we know you are not guilty, but we need the money!"

The idea seems to prevail in these circles that some persons must serve as goats or sources of revenue for these hungry officers, and the black people can be led like sheep to the slaughter, under ordinary circumstances, and virtually robbed of their little mites and meagre finances.

We once heard a presiding officer of a court in a Texas city say: "John, you had a right to do so and so, but I fine you \$8 and cost."

Catch that "cost?" Well, that little "cost" is what makes a small fine assume mammoth proportions.

To illustrate: We know a colored man who was arrested on a trivial offense and after fighting his case, was fined "\$1 and cost;" but when he got through paying the "cost," it had passed the \$100 mark.

Practically every county officer got his out of that "cost," and, because this is their chief and main method of earning a salary, they often "frame" persons, arrest them at night, try them at night and get theirs out of the "cost" between suns.

If the fee system were abolished, officers would not arrest persons just to get some money for "fat, juicy steaks," as we heard one fee-grabbing officer say in a justice court in a Texas town, where the court held that the colored brother, though not guilty by the evidence, would pay "\$1 and cost."

Talk about your graft and crookedness, but the fee system is a prolific source of such procedure, entirely out of keeping with decent and honest criminal jurisprudence.

It outrages justice, makes mockery of honesty and decency, prostitutes and debases supposed minions and guardians of the law, flaunts defiance in the face of the accumulated wisdom of the ages, renders and maintains our Southern species of civilization a huge joke and is fundamentally at variance with and in direct contravention to the basic principles of criminal law and court procedure.

Like mob-law, if unrestrained and licensed to run its course without let or hindrance, the iniquitous and infernal fee system will ultimately engulf the South in a mighty maelstrom and wreak havoc upon our body politic.

Let's abolish the damnable and diabolical system in Texas, or it will eventually prove a cancer and consume our very vitals!

Crime-1923

Virginia.

GETS ONE YEAR FOR KILLING NEGRO.

Halla Express
Shall's News
(Preston News Service) 2-10-23

Norfolk, Va., Feb. 8.—William Thomas, street car conductor, who was convicted by a jury of second degree murder for the death of Frank Walker, a Negro, was sentenced to one year in the state penitentiary.

The trial was the second for Thomas. He was tried last December and the result was a hung jury. The jury was out nearly an hour in the second trial before a verdict was reached.

According to the testimony brought out during the trial, on October 18 last Walker and the Thomas, the conductor, got into a dispute in a trolley car in Hallam avenue. Both men clinched and Thomas seemed to be getting the better of Walker in the fight, Walker is said to have drawn a knife and alleged to have swung it at Thomas. Thomas then drew a revolver and shot Walker three times. One bullet lodged in Walker's lungs, resulting in his death a few minutes later.

Joins Church, Then Confesses Crime Laid on Colored Man

New York Amsterdam
(Preston News Service) 2-21-23

Danville, Va., Feb. 20.—About 13 months ago Jones' store at Dry Fork was robbed. Bloodhounds were used to apprehend the thief. They went to the home of an aged Negro and stopped. This man's home was searched and none of the goods could be found and after considerable detective work watching the activities of the Negro no clues as to his guilt could be established and the case was never brought to attention of the Grand Jury for lack of evidence. 2-21-23

Recently a "holiness revival" struck Dry Fork and several hundreds of white persons were converted. One evening last week a prominent white man came to Mr. Jones and told him that the Negro was not guilty of robbing the store last year, but that he was one of a party of three who did the robbing. He said: "Jones I just had to

come and tell you as since I got religion my conscience plagues me so. Please don't prosecute me or make this public as I will pay you for the goods. I cannot tell the names of the other men, but they have got religion too and maybe they will come and confess to you."

RICHMOND VA TIMES DISPATCH
NOVEMBER 1, 1923

NEGRESS IS ACCUSED OF MAIL-ORDER FRAUD

Investigation by Federal authorities of an alleged swindling, involving mail order shipments, yesterday led to the arrest of Rosa Bowie, alias Willy Mattias, colored, who was released by United States Commissioner Melvin Flegenheimer in the sum of \$500 security for appearance on November 9.

The woman was arrested after Federal agents went to her home and found what they say they believe to be evidence indicating the articles ordered through the mail under a different name had been sent there. She stoutly denied having any knowledge of the merchandise, the authorities say. Her husband, John Bowie, was questioned by the authorities.

Federal authorities were advised that merchandise was being ordered under different names from a Chicago mail order house and that mail deposits were sent with the orders, the remainder to be forwarded on receipt of the order. The use of fictitious names is said to be a violation of the Federal law.

NEGROES FROM SOUTH GET JAIL SENTENCES

Convicted of Vagrancy in Milwaukee
Court and Ordered to Leave City
When Terms Are Served.

Milwaukee is no place for negroes who have no visible means of support, according to Judge Michael Blenski, who on August 13 sentenced 27 negroes to the House of Correction for 90 days each and ordered them to leave town as soon as they have served their terms.

This information is contained in the August 14 issue of the Milwaukee Journal, which was mailed to the Gazette by E. H. Edwards of Conway, who is spending the summer in Milwaukee.

Judge Blenski advised the convicted negroes to write to their friends and relatives in the South, urging them to remain away from Milwaukee unless they have means of support.

"I do not want men of your kind in Milwaukee," the judge is reported to have told the 27 negroes. "I am not taking exception to your race, but to your actions. You are vagrants who came North expecting to find a soft living."

Crime — 1923

See Also: Killings

Lynchings

Temperance